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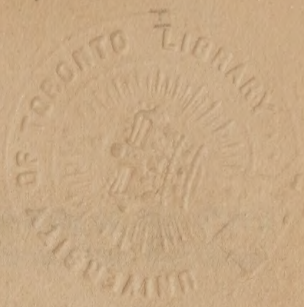
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Canada, Secretary of State, Dept.  
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COPIES  
OF  
PROCLAMATIONS,  
ORDERS IN COUNCIL  
AND  
DOCUMENTS  
RELATING TO THE EUROPEAN WAR.

\_\_\_\_\_  
COMPILED BY THE DEPARTMENT OF  
THE SECRETARY OF STATE OF CANADA  
\_\_\_\_\_

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P.C. 2866.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor General on the 14th November, 1914.

The Committee of the Privy Council have had before them a report from the Secretary of State, dated 12th November, 1914, representing that since the outbreak of the European War a large number of Proclamations, Orders in Council and Despatches has been published in the *Canada Gazette*, many of which have the force of Statutes and are required to be referred to constantly by those interested in dealing with such subjects as contraband, trading with the enemy, and allied subjects, and that many applications have been made to the Department of the Secretary of State for copies of all these documents.

The Minister submits that it is advisable that a compilation, to date, should be prepared and published of all Proclamations, Orders in Council and Despatches published in the *Canada Gazette* and such documents as appear in the *London Gazette* as may be of interest to Canadians, together with other public documents referred to in the *Gazettes* aforesaid and that extra copies of all such documents as may be hereafter published in the *Gazette* be printed separately and issued concurrently with the issue of the *Gazettes* in which they may appear.

The Minister, therefore, recommends that he be authorized to undertake the said compilation and to publish the same and that the cost thereof be paid by the Department of the Secretary of State out of a credit from the War Appropriation, as may subsequently be found to be necessary.

The Committee concur in the foregoing and submit the same for approval.

RODOLPHE BOUDREAU,  
*Clerk of the Privy Council.*

The Honourable  
The Secretary of State.





## TABLE OF CONTENTS.

	PAGE.
1. Royal Naval Reserves called out.....	2nd August, 1914..... 1
2. Order of His Majesty in Council declaring that an emergency has arisen.— <i>London Gazette</i> .	3rd August, 1914..... 2
3. Proclamation calling Naval Reserves.— <i>London Gazette</i> .	3rd August, 1914..... 2
4. Proclamation calling Naval Reserve Officers.— <i>London Gazette</i> .	3rd August, 1914..... 4
5. Proclamation extending services of time-expired men in Navy.— <i>London Gazette</i> .	3rd August, 1914..... 5
6. Order of His Majesty in Council calling officers of Reserved and Retired lists.— <i>London Gazette</i> .	3rd August, 1914..... 6
7. Order in Council providing for increased issue of Dominion Notes.	3rd August, 1914..... 7
8. Announcement of War.— <i>London Gazette</i> .....	4th August, 1914..... 8
9. Proclamation continuing soldiers in Army Service.— <i>London Gazette</i> .	4th August, 1914..... 9
10. Announcement of War.— <i>Canada Gazette</i> .....	4th August, 1914..... 10
11. Proclamation Specifying Contraband of War.— <i>London Gazette</i> .	4th August, 1914..... 10
12. Proclamation calling the War Session.....	4th August, 1914..... 12
13. Order in Council placing Canadian Naval Vessels at Disposal of Royal Navy.	4th August, 1914..... 14
14. Order in Council placing Naval Forces on Active Service	4th August, 1914..... 15
15. Proclamation prohibiting carrying of contraband in British ships.— <i>London Gazette</i> .	5th August, 1914..... 16
16. By the King a Proclamation notifying that British subjects contributing to a loan raised on behalf of the German Emperor or contracting with the German Government, will be guilty of high treason, as adhering to the King's enemies.	5th August, 1914..... 17
17. By the King a Proclamation setting forth the Law and Policy with regard to Trading with the Enemy.	5th August, 1914..... 18
18. Order in Council granting days of grace for departure of German ships.	5th August, 1914..... 20
19. Order of His Majesty in Council respecting Prize Courts.— <i>London Gazette</i> .	5th August, 1914..... 24
20. Proclamation prohibiting the export of Certain Commodities.	6th August, 1914..... 26
21. Notice to Mariners.....	6th August, 1914..... 29
22. Proclamation prohibiting the exportation of certain Commodities.	7th August, 1914..... 30
23. Notice respecting reciprocity of Germany granting days of grace in sailing of ships.— <i>London Gazette</i> .	7th August, 1914..... 33
24. Proclamation respecting German alien enemies.....	7th August, 1914..... 34
25. Civil Servants desiring to enter active service.....	11th August, 1914..... 36
26. Announcement of war with Austria-Hungary.— <i>London Gazette</i> .	12th August, 1914..... 38
27. Despatch announcing the war with Austria-Hungary..	12th August, 1914..... 39
28. A Proclamation extending the scope of certain existing Proclamations and certain Orders in Council connected with the war.— <i>London Gazette</i> .	12th August, 1914..... 39
29. Proclamation respecting Austro-Hungarian alien enemies.	13th August, 1914..... 41
30. Proclamation respecting Consuls of enemy nationality.— <i>London Gazette</i> .	13th August, 1914..... 43
31. Order in Council granting days of grace for departure of Austro-Hungarian ships.	14th August, 1914..... 44
32. Proclamation respecting German and Austro-Hungarian alien enemies.	15th August, 1914..... 48
33. Notice of reciprocal treatment respecting departure of ships by Austria-Hungary.— <i>London Gazette</i> .	15th August, 1914..... 52
34. Proclamation respecting the prohibition of export of Certain Commodities.	15th August, 1914..... 53
35. Amendment of Radio-telegraph regulations.....	15th August, 1914..... 56



	PAGE.
36. Order in Council confirming order of 14th August, 1914, respecting days of grace for departure of Austro-Hungarian ships.	17th August, 1914..... 57
37. Speech from the Throne on opening of war session of Parliament.	18th August, 1914..... 58
38. Proclamation of war for purposes of Prize Court Act...	19th August, 1914..... 59
39. Order of His Majesty in Council respecting Prize Courts.— <i>London Gazette</i> .	20th August, 1914..... 60
40. Order of His Majesty in Council making additions and modifications in the Declaration of London.— <i>London Gazette</i> .	20th August, 1914..... 63
41. Notice of French Declaration of Contraband of War.— <i>London Gazette</i> .	20th August, 1914..... 65
42. Proceedings on prorogation of War Session.....	22nd August, 1914..... 66
43. Order in Council respecting the prohibition of exportation of Certain Commodities.	22nd August, 1914..... 67
44. Proclamation respecting Prize Court rules.....	22nd August, 1914..... 68
45. Order of His Majesty in Council respecting the distribution of Prize money.— <i>London Gazette</i> .	28th August, 1914..... 70
46. Notice of Japanese blockade of Kiao-Chau.— <i>London Gazette</i> .	29th August, 1914..... 71
47. Order in Council appointing officers under Prize Court Rules.	29th August, 1914..... 72
48. Announcement of French Decree respecting the Declaration of London.— <i>London Gazette</i> .	1st September, 1914..... 72
49. Notice to alien enemies.....	2nd September, 1914..... 73
50. Proclamation under "An Act to conserve the Commercial and Financial Interests of Canada."	3rd September, 1914..... 74
51. Order in Council prohibiting the use or possession of fire arms or explosives by alien enemies.	3rd September, 1914..... 78
52. Notice to persons interested in cargoes on ships captured as prizes.	4th September, 1914..... 80
53. Despatch covering regulations respecting war risks.....	4th September, 1914..... 81
54. Notice respecting Foreign Consuls.....	5th September, 1914..... 86
55. Message of His Majesty the King to the Overseas Dominions.	8th September, 1914..... 87
56. Proclamation respecting trading with the enemy.....	9th September, 1914..... 88
57. Further despatch respecting war risks.....	10th September, 1914..... 92
58. Order in Council prohibiting disclosure of movement of forces or military operations.	12th September, 1914..... 93
59. Order in Council respecting Aerial Navigation.....	17th September, 1914..... 96
60. Notice to officers of the Army Reserve.....	21st September, 1914..... 101
61. Proclamation respecting contraband of war.— <i>London Gazette</i> .	21st September, 1914..... 102
62. Prize Court Rules.....	26th September, 1914..... 103
63. Notice of Russian Ukase respecting the Declaration of London.— <i>London Gazette</i> .	26th September, 1914..... 104
64. A Proclamation extending the prohibitions contained in the Proclamation of the 9th September, 1914, relating to the trading with the enemy.— <i>London Gazette</i> .	30th September, 1914..... 105
65. Order in Council respecting patents of invention held by alien enemies.	2nd October, 1914..... 106
66. Proclamation of His Majesty the King respecting trading with the enemy.	8th October, 1914..... 109
67. Prize Courts in His Majesty's Dominions Oversea.— <i>London Gazette</i> .	8th October, 1914..... 111
68. Notice to importers and exporters.— <i>London Gazette</i> ...	9th October, 1914..... 113
69. Despatch respecting British subjects stranded in Europe.	9th October, 1914..... 118
70. Order in Council adding regulations to Dominion Land Acts respecting entrants to lands in Railway Belt of British Columbia absent on military duty.	17th October, 1914..... 121
71. Further despatch respecting war risks.....	23rd October, 1914..... 122
72. Royal Naval Canadian Volunteer Reserve.....	24th October, 1914..... 123
73. Order in Council amending order of 17th September, 1914, respecting Aerial Navigation.	24th October, 1914..... 124
74. A Proclamation extending the prohibitions contained in the Proclamation of the 9th September, 1914, relating to trading with the enemy.— <i>London Gazette</i> .	26th October, 1914..... 124



		PAGE.
75. Order in Council respecting alien enemies.....	28th October, 1914.....	126
76. Order in Council extending time to comply with mining regulations by persons in active service.	28th October, 1914.....	129
77. Proclamation of His Majesty the King revising the list of Contraband of War.	29th October, 1914.....	130
78. Order of His Majesty in Council making additions and alterations to the Declaration of London.— <i>London Gazette</i> .	29th October, 1914.....	133
79. Order in Council prohibiting the export of Certain Commodities.	29th October, 1914.....	135
80. Order in Council imposing penalties respecting trading with the enemy.	30th October, 1914.....	136
81. Notice to Mariners of submarine mines.....	6th October, 1914.....	138
82. Notice respecting departure of Austro-Hungarian ships.— <i>London Gazette</i> .	31st October, 1914.....	139
83. Proclamation establishing Montreal as a place for the registration of alien enemies.	31st October, 1914.....	140
84. Memorandum as to transmission of money and letters abroad.	October, 1914.....	141
85. Appointment of Registrars of Alien Enemies.....	4th November, 1914.....	145
86. Notice of war with Turkey.— <i>London Gazette</i> .....	5th November, 1914.....	146
87. Announcement of war with Turkey.....	5th November, 1914.....	146
88. Extending to the war with Turkey the Proclamations and Orders in Council now in force relating to the war.— <i>London Gazette</i> .	5th November, 1914.....	146
89. Proclamation establishing Sydney, Regina, Edmonton and Calgary as places for the registration of alien enemies.	5th November, 1914.....	148
90. Order in Council respecting trading with the enemy..	6th November, 1914.....	150
91. Appointment of Registrars of Alien Enemies... ..	6th November, 1914.....	152
92. Proclamation establishing Fort William and Winnipeg as places for registration of alien enemies.	6th November, 1914.....	153
93. Order in Council making former proclamations and orders in council applicable to Turkey.	6th November, 1914.....	155
94. Order in Council respecting improper newspaper publications.	6th November, 1914.....	156
95. Notice to importers and exporters.— <i>London Gazette</i> ...	7th November, 1914.....	158
96. Alien enemies—Patents of Invention.....	7th November, 1914.....	162
97. Alien enemies—Patents of Invention.....	7th November, 1914.....	162
98. Proclamation of His Majesty in Council prohibiting export of Certain Commodities.	10th November, 1914.....	163
99. Notice to Mariners.....	10th November, 1914.....	171
100. Proclamation establishing Toronto as a place for the registration of alien enemies.	12th November, 1914.....	171
101. Proclamation establishing Ottawa as a place of registration of alien enemies.	14th November, 1914.....	173
102. Proclamation establishing Victoria as a place of registration of alien enemies.	14th November, 1914.....	175
103. Appointment of Registrars of Alien Enemies.....	14th November, 1914.....	177
104. Order in Council amending Order in Council of the 28th October, 1914, respecting alien enemies.	20th November, 1914.....	178
105. Appointment of Registrars of Alien Enemies.....	20th November, 1914.....	179
106. Proclamation establishing Brandon as a place of registration of alien enemies.	20th November, 1914.....	180
107. Order of His Majesty in Council respecting the export of Certain Commodities.— <i>London Gazette</i> .	20th November, 1914.....	182
108. Order in Council respecting the export of Certain Commodities.— <i>London Gazette</i> .	24th November, 1914.....	183
109. Despatch respecting gifts from Overseas Dominions...	27th November, 1914.....	183
110. Order in Council respecting the export of Certain Commodities.	28th November, 1914.....	184
111. Order in Council respecting separation allowance to families of members of Naval Service.	28th November, 1914.....	184
112. Despatch respecting War Risks.....	2nd December, 1914.....	187
113. Proclamation of day of Humble Prayer and Intercession.	5th December, 1914.....	187
114. Proclamation respecting the Prize Court Rules.....	14th December, 1914.....	189
115. Notice that Egypt is constituted a British Protectorate..	18th December, 1914.....	191

		PAGE.
116. Despatch respecting the Protectorate of Egypt.....	18th December, 1914.....	192
117. Notice that the French Republic has recognized British Protectorate over Egypt.....	19th December, 1914.....	192
118. Despatch respecting the Holy Places in Arabia.....	19th December, 1914.....	193
119. Notice to Mariners.....	23rd December, 1914.....	194
120. Order of His Majesty in Council amending Proclamation of the 10th of November, 1914, respecting the exportation of Certain Commodities.— <i>London Gazette</i> .....	23rd December, 1914.....	195
121. Appointment of Registrar of Alien Enemies.....	24th December, 1914.....	197
122. British Prize Courts Oversea.....	31st December, 1914.....	197
123. Order of His Majesty in Council further amending Proclamation of the 10th November, 1914, respecting the exportation of Certain Commodities.— <i>London Gazette</i> .....	4th January, 1915.....	200
124. Appointment of Registrar of Alien Enemies.....	7th January, 1915.....	201
125. A Proclamation relating to Trading with the Enemy....	7th January, 1915.....	202
126. Order of His Majesty in Council further amending Proclamation of 10th November, 1914, respecting the export of Certain Commodities.— <i>London Gazette</i> .....	8th January, 1915.....	203
127. Appointment of Registrar of Alien Enemies.....	11th January, 1915.....	205
128. Proclamation extending scope of prohibitions relating to Trading with the Enemy.....	15th January, 1915.....	205
129. Order in Council respecting the exportation of Certain Commodities.....	23rd January, 1915.....	209
APPENDIX A.—		
The Sixth Convention of the Second Peace Convention held at The Hague in 1907		3
APPENDIX B.—		
The Naval Prize Act, 1864.....		10
The Prize Court Act, 1894.....		23
The Prize Court (Procedure) Act, 1914.....		24
1. The Prize Court "Procedure" Act, 1914. Order in Council making Prize Court Rules.....	13th August, 1914.....	25
2. Application of Hague Convention in respect to German and other merchant vessels in British ports at outbreak of war.....	19th August, 1914.....	28
3. Application of Hague Convention in respect to Austro-Hungarian merchant ships.....	21st August, 1914.....	29
4. Advising that Declaration of London with certain additions and modifications is put in force.....	22nd August, 1914.....	29
5. Enquiry regarding Prize Courts in Canada.....	25th August, 1914.....	31
6. Confirming telegraphic despatch of August 19, 1914, respecting jurisdiction of Prize Courts over enemy ships liable to detention under the Hague Convention.....	28th August, 1914.....	31
7. Notice with respect to procedure to be followed by persons applying for release of cargoes other than enemy cargoes on enemy ships captured as prizes.....	28th August, 1914.....	32
8. Advice respecting the release of goods consigned to British or neutral ports by British merchants in enemy ships.....	29th August, 1914.....	33
9. Respecting personal effects and wages of officers and men of captured ships.....	5th September, 1914.....	33
10. Procedure with respect to ships taken on high seas, such prizes being distinguished from droits of admiralty.....	5th September, 1914.....	34
11. Form used by Customs authorities notifying release of enemy seamen on parole.....	14th September, 1914.....	34
12. Contraband declared by German and Austro-Hungarian Governments as in declaration of London.....	23rd September, 1914.....	35
13. Instructions given the Governor-General of Australia with respect to goods from an enemy country imported on consignment for sale into His Majesty's Dominions in British ships.....	23rd September, 1914.....	36
14. Requesting information from time to time with respect to captured and detained ships.....	26th September, 1914.....	37
15. Advice regarding payment of freight, etc., by British owners desiring to recover cargo in enemy ship in a neutral port.....	28th September, 1914.....	37



	PAGE.
16. Text of Order in Council of September 30th amending Prize Court Rules.	3rd October, 1914..... 38
17. Postponement of sale of prize ships pending further instructions.	22nd October, 1914..... 39
18. Form of indemnity to be given by applicants for the release of prize cargoes.	6th November, 1914..... 39
19. Instructions for guidance of Collectors of Customs regarding seizure of enemy goods temporarily landed in Britain by neutral ships for trans-shipment abroad.	12th November, 1914..... 41
20. Advising that Prize Court warrants should be made effective as regards Turkey.	13th November, 1914..... 41
21. Alien enemy may appear before Prize Court.....	16th November, 1914..... 42
22. Transmitting copies of Convention with France with respect to joint captures.	23rd November, 1914..... 42
23. Form of indemnity given by applicants for release of prize cargoes to be countersigned by recognized banks.	26th November, 1914..... 47
24. Reporting passage of Order in Council November 28th embodying rules given provisional operation by Order of September 30th.	2nd December, 1914..... 48
25. Transmitting copies of above Order in Council of 28th November, 1914.	4th December, 1914..... 48
26. Transmitting copies of second Order in Council of 28th November amending above Order in Council of same date.	5th December, 1914..... 50
27. Instructions regarding the Printing of Prize Court decisions.	24th December, 1914..... 52
28. Transmitting copy of note addressed to the United States Ambassador in respect to the payment of freight and charges incurred in connection with the release of cargoes shipped by neutral shippers before the war.	31st December, 1914..... 52
29. Advice regarding procedure in regard to Appeals to the Privy Council from Oversea Prize Courts.	5th January, 1915..... 54
30. Advising that no sale of Prize Ships of over 1,000 tons should take place without reference to the Home Government.	8th January, 1915..... 55
31. Transmitting forms of conditions of sale, etc., used in connection with the sale of sailing vessels condemned as Prize.	15th January, 1915..... 56
APPENDIX C—	
Sections from the Customs Act.....	63
APPENDIX D—	
The Declaration of London.....	64
General Report on the Declaration of London presented to the Naval Conference..	79
APPENDIX E—	
The War Measures Act, 1914.....	129
The Finance Act, 1914.....	132
The Dominion Notes Act, 1914.....	135
APPENDIX F—	
Patents of Invention in Enemy Countries.....	138
APPENDIX G—	
French Moratorium.....	140
French Contraband.....	140





# INDEX.

## AERIAL NAVIGATION—

		PAGE.
59. Order in Council respecting Aerial Navigation.....	17th September, 1914.....	96
73. Order in Council amending order of 17th September, 1914, respecting Aerial Navigation.	24th October, 1914.....	124

## ALIEN ENEMIES—

24. Proclamation respecting German alien enemies.....	7th August, 1914.....	34
29. Proclamation respecting Austro-Hungarian alien enemies.	13th August, 1914.....	41
32. Proclamation respecting German and Austro-Hungarian alien enemies.	15th August, 1914.....	48
49. Notice to alien enemies.....	2nd September, 1914....	73
51. Order in Council prohibiting the use or possession of fire arms or explosives by alien enemies.	3rd September, 1914....	78
75. Order in Council respecting alien enemies.....	28th October, 1914.....	126
96. Alien enemies—Patents of Invention.....	7th November, 1914.....	162
97. Alien enemies—Patents of Invention.....	7th November, 1914.....	162
104. Order in Council amending Order in Council of 28th October, 1914, respecting alien enemies.	20th November, 1914.....	178

## ANNOUNCEMENT OF WAR—

8. Announcement of War.— <i>London Gazette</i> .....	4th August, 1914.....	8
10. Announcement of War.— <i>Canada Gazette</i> .....	4th August, 1914.....	10
26. Announcement of War with Austria-Hungary.— <i>London Gazette</i> .	12th August, 1914.....	38
27. Despatch announcing the war with Austria-Hungary..	12th August, 1914.....	39
86. Announcement of war with Turkey.— <i>London Gazette</i> .	5th November, 1914.....	146
87. Announcement of war with Turkey.....	5th November, 1914.....	146

## APPOINTMENTS—

47. Order in Council appointing officers under Prize Court Rules.	29th August, 1914.....	72
85. Appointment of Registrars of Alien Enemies.....	4th November, 1914.....	145
91. Appointment of Registrars of Alien Enemies.....	6th November, 1914.....	152
103. Appointment of Registrars of Alien Enemies.....	14th November, 1914.....	177
105. Appointment of Registrar of Alien Enemies.....	20th November, 1914.....	179
121. Appointment of Registrar of Alien Enemies.....	24th December, 1914.....	197
124. Appointment of Registrar of Alien Enemies.....	7th January, 1915.....	201
127. Appointment of Registrar of Alien Enemies.....	11th January, 1915.....	205

## ARABIA, HOLY PLACES—

118. Despatch respecting the Holy Places in Arabia.....	19th December, 1914.....	193
---	--------------------------	-----

## ARMY—

9. Proclamation continuing soldiers in Army Service.— <i>London Gazette</i> .	4th August, 1914.....	9
60. Notice to officers of the Army Reserve.....	21st September, 1914.....	101

## AUSTRIA—

26. Announcement of war with Austria-Hungary.— <i>London Gazette</i> .	12th August, 1914.....	38
27. Despatch announcing the war with Austria-Hungary.	12th August, 1914.....	39
28. A Proclamation extending the scope of certain existing Proclamations and certain Orders in Council connected with the war.— <i>London Gazette</i> .	12th August, 1914.....	39
29. Proclamation respecting Austro-Hungarian alien enemies.	13th August, 1914.....	41

## AUSTRIA—Continued.

PAGE

31. Order in Council granting days of grace for departure of Austro-Hungarian ships.	14th August, 1914.....	44
32. Proclamation respecting German and Austro-Hungarian alien enemies.	15th August, 1914.....	48
33. Notice of reciprocal treatment respecting departure of ships by Austria-Hungary.— <i>London Gazette</i> .	15th August, 1914.....	52
36. Order in Council confirming order of 14th August, 1914, respecting days of grace for departure of Austro-Hungarian ships.	17th August, 1914.....	57
82. Notice respecting departure of Austro-Hungarian ships.— <i>London Gazette</i> .	31st October, 1914.....	139

## BANKS—

7. Order in Council providing for increased issue of Dominion Notes.	3rd August, 1914.....	7
50. Proclamation under "An Act to conserve the Commercial and Financial Interests of Canada."	3rd September, 1914.....	74

## BLOCKADE—

46. Notice of Japanese blockade of Kiao-Chau.— <i>London Gazette</i> .	29th August, 1914.....	71
--	------------------------	----

## BRANDON—

106. Proclamation establishing Brandon as a place of registration of alien enemies.	20th November, 1914.....	180
105. Appointment of Registrars of Alien Enemies.....	20th November, 1914.....	179

## BRITISH SHIPS—

15. Proclamation prohibiting carrying of contraband in British ships.— <i>London Gazette</i> .	5th August, 1914.....	16
--	-----------------------	----

## BRITISH SUBJECTS STRANDED—

69. Despatch respecting British subjects stranded in Europe.	9th October, 1914.....	118
84. Memorandum as to transmission of money and letters abroad.	October, 1914.....	141

## CALGARY—

89. Proclamation establishing Sydney, Regina, Edmonton, and Calgary as places for the registration of alien enemies.	5th November, 1914.....	148
85. Appointment of Registrars of Alien Enemies.....	4th November, 1914.....	145

## CANADIAN NAVAL SERVICE—

13. Order in Council placing Canadian Naval Vessels at disposal of Royal Navy.	4th August, 1914.....	14
14. Order in Council placing Naval Forces on active service.	4th August, 1914.....	15
72. Royal Naval Canadian Volunteer Reserve.....	24th October, 1914.....	123
111. Order in Council respecting separation allowance to families of members of Naval Service.	28th November, 1914.....	184

## CARGOES, PRIZE—

52. Notice to persons interested in cargoes on ships captured as prizes.	4th September, 1914.....	80
--	--------------------------	----

## CIVIL SERVANTS—

25. Civil Servants desiring to enter active service.....	11th August, 1914.....	36
--	------------------------	----



## CONSULS—

PAGE.

- |  |                          |    |
|--|--------------------------|----|
| 30. Proclamation respecting Consuls of enemy nationality.— <i>London Gazette</i> . | 13th August, 1914.....   | 43 |
| 54. Notice respecting Foreign Consuls.....   | 5th September, 1914..... | 86 |

## CONTRABAND IN BRITISH SHIPS—

- |  |                       |    |
|--|-----------------------|----|
| 15. Proclamation prohibiting carrying of contraband in British ships.— <i>London Gazette</i> . | 5th August, 1914..... | 16 |
|--|-----------------------|----|

## CONTRABAND OF WAR—

- |   |                           |     |
|---|---------------------------|-----|
| 11. Proclamation specifying Contraband of War.— <i>London Gazette</i> .   | 4th August, 1914.....     | 10  |
| 28. A Proclamation extending the scope of certain existing Proclamations and certain Orders in Council connected with the war.— <i>London Gazette</i> . | 12th August, 1914.....    | 39  |
| 41. Notice of French Declaration of Contraband of War.— <i>London Gazette</i> .   | 20th August, 1914.....    | 65  |
| 61. Proclamation respecting Contraband of War.— <i>London Gazette</i> .   | 21st September, 1914..... | 102 |
| 77. Proclamation of His Majesty the King revising the list of Contraband of War.  | 29th October, 1914.....   | 130 |
| 88. Extending to the war with Turkey the Proclamations and Orders in Council now in force relating to the war.— <i>London Gazette</i> .                 | 5th November, 1914.....   | 146 |

## DAY OF PRAYER—

- |   |                         |     |
|---|-------------------------|-----|
| 113. Proclamation of day of Humble Prayer and Intercession. | 5th December, 1914..... | 187 |
|---|-------------------------|-----|

## DECLARATION OF LONDON—

- |   |                           |     |
|---|---------------------------|-----|
| 40. Order of His Majesty in Council making additions and modifications in the Declaration of London.— <i>London Gazette</i> . | 20th August, 1914.....    | 63  |
| 48. Announcement of French Decree respecting the Declaration of London.— <i>London Gazette</i> .                              | 1st September, 1914.....  | 72  |
| 63. Notice that the Russian Government will observe the Declaration of London.  | 26th September, 1914..... | 104 |
| 78. Order of His Majesty in Council making additions and alterations to the Declaration of London.— <i>London Gazette</i>     | 29th October, 1914.....   | 133 |

## DESPATCHES—

- |  |                           |     |
|--|---------------------------|-----|
| 10. Announcement of war.— <i>Canada Gazette</i> .....              | 4th August, 1914.....     | 10  |
| 27. Despatch announcing the war with Austria-Hungary.              | 12th August, 1914.....    | 39  |
| 53. Despatch covering regulations respecting war risks...          | 4th September, 1914.....  | 81  |
| 55. Message of His Majesty the King to the Overseas Dominions..... | 8th September, 1914.....  | 87  |
| 57. Further despatch respecting war risks.....                     | 10th September, 1914..... | 92  |
| 71. Further despatch respecting war risks.....                     | 23rd October, 1914.....   | 122 |
| 87. Announcement of war with Turkey.....                           | 5th November, 1914.....   | 146 |
| 109. Despatch respecting gifts from Overseas Dominions..           | 27th November, 1914.....  | 183 |
| 112. Despatch respecting War Risks.....                            | 2nd December, 1914.....   | 187 |
| 116. Despatch respecting the Protectorate of Egypt.....            | 18th December, 1914.....  | 192 |
| 118. Despatch respecting the Holy Places in Arabia.....            | 19th December, 1914.....  | 193 |

## DOMINIONS' GIFTS—

- |  |                          |     |
|--|--------------------------|-----|
| 109. Despatch respecting gifts from Overseas Dominions.. | 27th November, 1914..... | 183 |
|--|--------------------------|-----|

## DOMINION LANDS—

- |   |                         |     |
|---|-------------------------|-----|
| 70. Order in Council adding regulations to Dominion Land Acts respecting entrants to lands in Railway Belt of British Columbia absent on Military Duty. | 17th October, 1914..... | 121 |
|---|-------------------------|-----|

DOMINION NOTES—		PAGE
7. Order in Council providing for increased issue of Dominion notes.	3rd August, 1914.....	7
50. Proclamation under "An Act to conserve the Commercial and Financial Interests of Canada."	3rd September, 1914.....	74
DOMINIONS OVERSEAS—		
109. Despatch respecting gifts from Overseas Dominions..	27th November, 1914.....	183
EDMONTON—		
89. Proclamation establishing Sydney, Regina, Edmonton, and Calgary as places for the registration of alien enemies.	5th November, 1914.....	148
85. Appointment of Registrars of Alien Enemies.....	4th November, 1914.....	145
EGYPT PROTECTORATE—		
116. Despatch respecting the Protectorate of Egypt.....	18th December, 1914.....	192
117. Notice that the French Republic has recognized the British Protectorate over Egypt.....	19th December, 1914.....	192
EMERGENCY—		
2. Order of His Majesty in Council declaring that an emergency has arisen.— <i>London Gazette</i> .	3rd August, 1914.....	2
ENEMIES, LOAN—		
16. By the King a Proclamation notifying that British subjects contributing to a loan raised on behalf of the German Emperor or contracting with the German Government, will be guilty of high treason, as adhering to the King's enemies.	5th August, 1914.....	17
28. A Proclamation extending the scope of certain existing Proclamations and certain Orders in Council connected with the war.	12th August, 1914.....	39
88. Extending to the war with Turkey the Proclamations and Orders in Council now in force relating to the war.— <i>London Gazette</i> .	5th November, 1914.....	146
ENEMIES SHIPS—		
18. Order in Council granting days of grace for departure of German ships.	5th August, 1914.....	20
23. Notice respecting reciprocity of Germany in sailing of ships.— <i>London Gazette</i> .	7th August, 1914.....	33
28. A Proclamation extending the scope of certain existing Proclamations and certain Orders in Council connected with the war.— <i>London Gazette</i> .	12th August, 1914.....	39
31. Order in Council granting days of grace for departure of Austro-Hungarian ships	14th August, 1914.....	44
33. Notice of reciprocal treatment respecting departure of ships by Austria-Hungary.— <i>London Gazette</i> .	15th August, 1914.....	52
36. Order in Council confirming order of 14th August, 1914, respecting days of grace for departure of Austro-Hungarian ships.	17th August, 1914.....	57
88. Extending to the war with Turkey the Proclamations and Orders in Council now in force relating to the war.— <i>London Gazette</i> .	5th November, 1914.....	146
ENEMY, TRADING WITH—		
17. By the King a Proclamation setting forth the Law and Policy with regard to trading with the Enemy.	5th August, 1914.....	18
28. A Proclamation extending the scope of certain existing Proclamations and certain Orders in Council connected with the war.	12th August, 1914.....	39



ENEMY, TRADING WITH—*Continued.*

PAGE.

56. Proclamation respecting trading with the Enemy....	9th September, 1914.....	88
64. A Proclamation extending the prohibitions contained in the Proclamation of the 9th September, 1914, relating to trading with the Enemy.— <i>London Gazette.</i>	30th September, 1914.....	105
66. Proclamation of His Majesty the King respecting trading with the enemy.	8th October, 1914.....	109
74. A Proclamation extending the prohibitions contained in the proclamation of the 9th September, 1914, relating to trading with the Enemy.— <i>London Gazette.</i>	26th October, 1914.....	124
80. Order in Council imposing penalties respecting trading with the Enemy.	30th October, 1914.....	136
90. Order in Council respecting license to trade with the Enemy.	6th November, 1914.....	150
125. A Proclamation relating to trading with the Enemy..	7th January, 1915.....	202
128. Proclamation extending scope of prohibitions relating to trading with the Enemy.	15th January, 1915.....	205

## ESPIONAGE—

58. Order in Council prohibiting disclosure of movement of forces or military operations.	12th September, 1914.....	93
---	---------------------------	----

## EXPLOSIVES—

51. Order in Council prohibiting the use or possession of fire arms or explosives by alien enemies.	3rd September, 1914.....	78
---	--------------------------	----

## EXPORT OF COMMODITIES—

20. Proclamation prohibiting the export of Certain Commodities.	6th August, 1914.....	26
22. Proclamation prohibiting the exportation of Certain Commodities.	7th August, 1914.....	30
34. Proclamation respecting the prohibition of export of Certain Commodities.	15th August, 1914.....	53
43. Order in Council respecting the prohibition of exportation of Certain Commodities.	22nd August, 1914.....	67
79. Order in Council prohibiting the export of Certain Commodities.	29th October, 1914.....	135
98. Proclamation of His Majesty in Council prohibiting export of Certain Commodities.	10th November, 1914.....	163
107. Order of His Majesty in Council respecting the export of Certain Commodities.— <i>London Gazette.</i>	20th November, 1914.....	182
108. Order in Council respecting the export of Certain Commodities.— <i>London Gazette.</i>	24th November, 1914.....	183
110. Order in Council respecting the export of Certain Commodities.	28th November, 1914.....	184
120. Order of His Majesty in Council amending Proclamation of the 10th of November, 1914, respecting the exportation of certain commodities.— <i>London Gazette.</i>	23rd December, 1914.....	195
123. Order of His Majesty in Council further amending Proclamation of the 10th November, 1914, respecting the exportation of Certain Commodities.— <i>London Gazette.</i>	4th January, 1915.....	200
126. Order of His Majesty in Council further amending Proclamation of 10th November, 1914 respecting the export of Certain Commodities.— <i>London Gazette.</i>	8th January, 1915.....	203
129. Order in Council respecting the exportation of Certain Commodities.	23rd January, 1915.....	209

## EXPORTERS AND IMPORTERS—

68. Notice to Importers and Exporters.— <i>London Gazette.</i>	9th October, 1914.....	113
95. Notice to Importers and Exporters.— <i>London Gazette.</i>	7th November, 1914.....	158

		PAGE.
FIRE ARMS—		
51. Order in Council prohibiting the use or possession of fire arms or explosives by alien enemies.....	3rd September, 1914.....	78
FORT WILLIAM—		
92. Proclamation establishing Fort William and Winnipeg as places for registration of alien enemies.	6th November, 1914.....	153
91. Appointment of Registrars of Alien Enemies.....	7th November, 1914.....	152
FRANCE—		
41. Notice of French Declaration of Contraband of War.— <i>London Gazette.</i>	20th August, 1914.....	65
48. Announcement of French Decree respecting the Declaration of London.— <i>London Gazette.</i>	1st September, 1914.....	72
GERMANY—		
16. By the King a Proclamation notifying that British subjects contributing to a loan raised on behalf of the German Emperor or contracting with the German Government, will be guilty of high treason, as adhering to the King's enemies.	5th August, 1914.....	17
18. Order in Council granting days of grace for departure of German ships.	5th August, 1914.....	20
23. Notice respecting reciprocity of Germany granting days of grace in sailing of ships.— <i>London Gazette.</i>	7th August, 1914.....	33
24. Proclamation respecting German alien enemies....	7th August, 1914.....	34
28. A Proclamation extending the scope of Certain existing Proclamations and certain Orders in Council connected with the war.— <i>London Gazette.</i>	12th August, 1914.....	39
32. Proclamation respecting German and Austro-Hungarian alien enemies.	15th August, 1914.....	48
HIS MAJESTY THE KING, MESSAGE—		
55. Message of His Majesty the King to the Overseas Dominion.	8th September, 1914.....	87
IMPORTERS AND EXPORTERS—		
68. Notice to Importers and Exporters.— <i>London Gazette.</i>	9th October, 1914.....	113
95. Notice to Importers and Exporters.— <i>London Gazette.</i>	7th November, 1914.....	158
INSURANCE—		
53. Despatch covering regulations respecting War Risks..	4th September, 1914.....	81
57. Further despatch respecting War Risks.....	10th September, 1914.....	92
71. Further despatch respecting War Risks.....	23rd October, 1914.....	122
112. Despatch respecting War Risks.....	2nd December, 1914.....	187
INVENTION, PATENTS OF—		
65. Order in Council respecting patents of invention held by alien enemies.	2nd October, 1914.....	106
96. Alien enemies—Patents of Invention.....	7th November, 1914.....	162
97. Alien enemies—Patents of Invention.....	7th November, 1914.....	162
JAPAN—		
46. Notice of Japanese blockade of Kiao-Chau.— <i>London Gazette.</i>	29th August, 1914.....	71
LANDS, DOMINION—		
70. Order in Council adding regulations to Dominion Land Acts respecting entrants to lands in Railway Belt of British Columbia absent on Military Duty.	17th October, 1914.....	121



## LICENSE TO TRADE WITH ENEMY—

PAGE.

90. Order in Council respecting license to trade with the Enemy. 6th November, 1914..... 150

## LONDON, DECLARATION OF—

40. Order of His Majesty in Council making additions and modifications in the Declaration of London.—*London Gazette*. 20th August, 1914..... 63  
 48. Announcement of French Decree respecting the Declaration of London.—*London Gazette*. 1st September, 1914..... 72  
 63. Notice of Russian Government respecting the Declaration of London.—*London Gazette*. 26th September, 1914..... 104  
 78. Order of His Majesty in Council making additions and alterations to the Declaration of London.—*London Gazette*. 29th October, 1914..... 133

## MARINERS, NOTICE—

21. Notice to Mariners..... 6th August, 1914..... 29  
 81. Notice to Mariners of submarine mines..... 6th October, 1914..... 138  
 99. Notice to Mariners..... 10th November, 1914..... 171  
 119. Notice to Mariners..... 23rd December, 1914..... 194

## MESSAGE OF HIS MAJESTY THE KING—

55. Message of His Majesty the King to the Overseas Dominions. 8th September, 1914..... 87

## MINING CLAIMS—

76. Order in Council extending time to comply with mining regulations by persons in active service. 28th October, 1914..... 129

## MONTREAL—

83. Proclamation establishing Montreal as a place for the registration of alien enemies. 31st October, 1914..... 140  
 85. Appointment of Registrars of Alien Enemies..... 31st October, 1914..... 145

## NAVAL RESERVES—

1. Royal Naval Reserves called out..... 2nd August, 1914..... 1  
 3. Proclamation calling Naval Reserves.—*London Gazette* 3rd August, 1914..... 2  
 4. Proclamation calling Naval Reserve Officers.—*London Gazette*. 3rd August, 1914..... 4

## NAVAL SERVICE, CANADIAN—

13. Order in Council placing Canadian Naval Vessels at disposal of Royal Navy. 4th August, 1914..... 14  
 14. Order in Council placing Naval Forces on Active Service. 4th August, 1914..... 15  
 72. Royal Naval Canadian Volunteer Reserve..... 24th October, 1914..... 123

## NAVIGATION, AERIAL—

59. Order in Council respecting Aerial Navigation..... 17th September, 1914..... 96  
 73. Order in Council amending order of 17th September, 1914, respecting Aerial Navigation. 24th October, 1914..... 124

## NAVY MEN—

5. Proclamation extending services of time-expired men in Navy.—*London Gazette*. 3rd August, 1914..... 5

## NEWSPAPERS—

94. Order in Council respecting improper newspaper publications. 6th November, 1914..... 156

## NOTICE TO MARINERS—

21. Notice to Mariners..... 6th August, 1914..... 29  
 81. Notice to Mariners of submarine mines..... 6th October, 1914..... 138  
 99. Notice to Mariners..... 10th November, 1914..... 171  
 119. Notice to Mariners..... 23rd December, 1914..... 194

		PAGE.
OTTAWA—		
101. Proclamation establishing Ottawa as a place of registration of alien enemies.....	14th November, 1914.....	173
103. Appointment of Registrars of Alien Enemies.....	14th November, 1914.....	177
OVERSEAS DOMINIONS—		
109. Despatch respecting gifts from Overseas Dominions..	27th November, 1914.....	183
PARLIAMENT—		
12. Proclamation calling the War Session.....	4th August, 1914.....	12
37. Speech from the Throne on opening of War Session of Parliament.	18th August, 1914.....	58
42. Proceedings on Prorogation of War Session.....	22nd August, 1914.....	66
PATENTS OF INVENTION—		
65. Order in Council respecting Patents of Invention held by alien enemies.....	2nd October, 1914.....	106
96. Alien enemies—Patents of Invention.....	7th November, 1914.....	162
97. Alien enemies—Patents of Invention.....	7th November, 1914.....	162
PRIZE CARGOES—		
52. Notice to persons interested in cargoes on ships captured as prizes.	4th September, 1914.....	80
PRIZE COURT—		
19. Order of His Majesty in Council respecting Prize Courts.— <i>London Gazette</i> ..	5th August, 1914.....	24
38. Proclamation of war for purposes of Prize Court Act..	19th August, 1914.....	59
39. Order of His Majesty in Council respecting Prize Courts.— <i>London Gazette</i> .	20th August, 1914.....	60
44. Proclamation respecting Prize Court Rules.....	22nd August, 1914.....	68
47. Order in Council appointing officers under Prize Court Rules.	29th August, 1914.....	72
52. Notice to persons interested in cargoes on ships captured as prizes.	4th September, 1914.....	80
62. Prize Court Rules.....	26th September, 1914.....	103
67. Prize Courts in His Majesty's Dominions Oversea.— <i>London Gazette</i> .	8th October, 1914.....	111
114. Proclamation respecting the Prize Court Rules.....	14th December, 1914.....	189
122. British Prize Courts Oversea.....	31st December, 1914.....	197
PRIZE MONEY—		
45. Order of His Majesty in Council respecting the distribution of Prize Money.— <i>London Gazette</i> .	28th August, 1914.....	70
RADIOTELEGRAPH REGULATIONS—		
35. Amendment of Radiotelegraph Regulations.....	15th August, 1914.....	56
REGINA—		
89. Proclamation establishing Sydney, Regina, Edmonton, and Calgary as places for the registration of Alien Enemies.	5th November, 1914.....	148
85. Appointment of Registrars of Alien Enemies.....	4th November, 1914.....	145
REGISTRARS OF ALIEN ENEMIES—		
85. Appointment of Registrars of Alien Enemies.....	4th November, 1914.....	145
91. Appointment of Registrars of Alien Enemies.....	6th November, 1914.....	152
103. Appointment of Registrars of Alien Enemies.....	14th November, 1914.....	177
105. Appointment of Registrars of Alien Enemies.....	20th November, 1914.....	179
121. Appointment of Registrar of Alien Enemies.....	24th December, 1914.....	197
124. Appointment of Registrar of Alien Enemies.....	7th January, 1915.....	201
127. Appointment of Registrar of Alien Enemies.....	11th January, 1915.....	205
REGISTRATION OF ALIEN ENEMIES—		
83. Proclamation establishing Montreal as a place for the registration of Alien Enemies.....	31st October, 1914.....	140
89. Proclamation establishing Sydney, Regina, Edmonton, and Calgary as places for the registration of alien enemies	5th November, 1914.....	148



REGISTRATION OF ALIEN ENEMIES—*Continued.*

PAGE.

92. Proclamation establishing Fort William and Winnipeg as places for registration of alien enemies.	6th November, 1914.....	153
100. Proclamation establishing Toronto as a place for the registration of alien enemies.	12th November, 1914.....	171
101. Proclamation establishing Ottawa as a place of registration of alien enemies.	14th November, 1914.....	173
102. Proclamation establishing Victoria as a place of registration of alien enemies.	14th November, 1914.....	175
106. Proclamation establishing Brandon as a place of registration of alien enemies.	20th November, 1914.....	180

## RESERVES—

6. Order of His Majesty in Council calling officers of Reserved and Retired Lists.— <i>London Gazette.</i>	3rd August, 1914.....	6
60. Notice to officers of the Army Reserve.....	21st September, 1914.....	101

## RETIRED LIST—

6. Order of His Majesty in Council calling officers of Reserved and Retired Lists.— <i>London Gazette.</i>	3rd August, 1914.....	6
--	-----------------------	---

## RISKS, WAR—

53. Despatch covering regulations respecting War Risks.	4th September, 1914.....	81
57. Further despatch respecting War Risks.....	10th September, 1914.....	92
71. Further despatch respecting War Risks.....	23rd October, 1914.....	122
112. Despatch respecting War Risks.....	2nd December, 1914.....	187

## ROYAL CANADIAN NAVAL SERVICE—

See Canadian Naval Service.

## ROYAL NAVAL RESERVES—

See Naval Reserves.

## RUSSIA—

63. Notice of Russian Government respecting the Declaration of London.— <i>London Gazette.</i>	26th September, 1914.....	104
--	---------------------------	-----

## SESSION OF PARLIAMENT—

12. Proclamation calling the War Session.....	4th August, 1914.....	12
37. Speech from the Throne on opening of War Session of Parliament.	18th August, 1914.....	58
42. Proceedings on Prorogation of War Session.....	22nd August, 1914.....	66

## STRANDED BRITISH SUBJECTS—

69. Despatch respecting British subjects stranded in Europe.	9th October, 1914.....	118
84. Memorandum as to transmission of money and letters abroad.	October, 1914.....	141

## SYDNEY—

89. Proclamation establishing Sydney, Regina, Edmonton, and Calgary as places for the registration of alien enemies.	5th November, 1914.....	148
85. Appointment of Registrars of Alien Enemies.....	3rd November, 1914.....	145
121. Appointment of Registrar of Alien Enemies.....	24th December, 1914.....	197

## TORONTO—

100. Proclamation establishing Toronto as a place for the registration of alien enemies.	12th November, 1914.....	171
91. Appointment of Registrars of Alien Enemies.....	12th November, 1914.....	152
127. Appointment of Registrar of Alien Enemies.....	11th January, 1915.....	205

## TRADING WITH THE ENEMY—

17. By the King a Proclamation setting forth the Law and Policy with Regard to trading with the Enemy.	5th August, 1914.....	18
28. A Proclamation extending the scope of certain existing Proclamations and certain Orders in Council connected with the War.— <i>London Gazette.</i>	12th August, 1914.....	39

TRADING WITH THE ENEMY—*Continued.*

PAGE.

56. Proclamation respecting trading with the Enemy.....	9th September, 1914.....	88
64. A Proclamation extending the prohibitions contained in the Proclamation of the 9th September, 1914, relating to trading with the Enemy.— <i>London Gazette.</i>	30th September, 1914.....	105
66. Proclamation of His Majesty the King respecting trading with the Enemy.	8th October, 1914.....	109
74. A Proclamation extending the prohibitions contained in the Proclamation of the 9th September, 1914, relating to trading with the Enemy.	26th October, 1914.....	124
80. Order in Council imposing penalties respecting trading with the Enemy.	30th October, 1914.....	136
90. Order in Council respecting license to trade with the Enemy.	6th November, 1914.....	150
125. A Proclamation relating to trading with the Enemy...	7th January, 1915.....	202
128. Proclamation extending scope of prohibitions relating to trading with the Enemy.	15th January, 1915.....	205

## TURKEY—

86. Notice of war with Turkey.— <i>London Gazette</i> .....	5th November, 1914.....	146
87. Announcement of war with Turkey.....	5th November, 1914.....	146
88. Extending to the war with Turkey the Proclamations and Orders in Council now in force relating to the war.— <i>London Gazette.</i>	5th November, 1914.....	146
93. Order in Council making former proclamations and Orders in Council applicable to Turkey.	6th November, 1914.....	155

## UNITED KINGDOM EXPORTATION PROHIBITION—

98. Proclamation of His Majesty in Council Prohibiting export of Certain Commodities.	10th November, 1914.....	163
107. Order of His Majesty in Council respecting the export of Certain Commodities.	20th November, 1914.....	182
120. Order of His Majesty in Council amending Proclamation of the 10th of November, 1914, respecting the exportation of Certain Commodities.	23rd December, 1914.....	195
123. Order of His Majesty in Council further amending Proclamation of the 10th November, 1914, respecting the exportation of Certain Commodities.	4th January, 1915.....	200
126. Order of His Majesty in Council further amending Proclamation of 10th November, 1914, respecting the export of Certain Commodities.	8th January, 1915.....	203

## VICTORIA—

102. Proclamation establishing Victoria as a place of registration of alien enemies.	14th November, 1914.....	175
103. Appointment of Registrars of Alien Enemies.....	14th November, 1914.....	177

## WAR, ANNOUNCEMENT—

8. Announcement of war.— <i>London Gazette</i> .....	4th August, 1914.....	8
10. Announcement of war.— <i>London Gazette</i> .....	4th August, 1914.....	10
26. Announcement of war with Austria-Hungary.— <i>London Gazette.</i>	12th August, 1914.....	38
27. Despatch announcing the war with Austria-Hungary..	12th August, 1914.....	39
87. Announcement of war with Turkey.....	5th November, 1914.....	146
88. Extending to the war with Turkey the Proclamations and Orders in Council now in force relating to the war.	5th November, 1914.....	146

## WAR RISKS—

53. Despatch covering regulations respecting War Risks..	4th September, 1914.....	81
57. Further despatch respecting War Risks.....	10th September, 1914.....	92
71. Further despatch respecting War Risks.....	23rd October, 1914.....	122
112. Despatch respecting War Risks.....	2nd December, 1914.....	187

## WINNIPEG—

92. Proclamation establishing Fort William and Winnipeg as places for registration of alien enemies.	6th November, 1914.....	153
91. Appointment of Registrars of Alien Enemies.....	6th November, 1914.....	152



# COPIES

OF

## PROCLAMATIONS, ORDERS IN COUNCIL AND DOCUMENTS RELATING TO THE EUROPEAN WAR.

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No. 1

*Extra Canada Gazette, 2nd August, 1914.*

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### **Royal Naval Reserves called out.**

PUBLIC NOTICE is hereby given that His Royal Highness the Governor General has received a telegraphic despatch from the Secretary of State for the Colonies announcing that His Majesty the King has by Royal Proclamation called out the Royal Naval Reserves. Attention is directed to the fact that by this proclamation men serving abroad, whether on shore or in merchant vessels, are required to report themselves to the first British Naval Consular, or Colonial Officer they meet, or failing that, to the nearest Registrar on arrival in the United Kingdom.

Of which all persons concerned are required to take notice and to govern themselves accordingly.

By Command,

R. L. BORDEN,  
Secretary of State for External Affairs.

OTTAWA, 2nd August, 1914.

## No. 2

*Third Supplement to the London Gazette of 31st July, 1914—  
3rd August, 1914.*

---

**Order of His Majesty in Council declaring that an emergency has arisen.**

AT THE COURT AT BUCKINGHAM PALACE, THE 3rd  
DAY OF AUGUST, 1914.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

HIS MAJESTY was this day pleased to make the following Declaration.

ALMERIC FITZROY.

MY LORDS,

I declare that owing to the state of Public Affairs and the demands upon our Naval Forces for the protection of the Empire an occasion has arisen for ordering and directing as in the circumstances by Statute provided.

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## No. 3

*Third Supplement to the London Gazette of 31st July, 1914—  
3rd August, 1914.*

---

**Proclamation calling Naval Reserves.**

BY THE KING.

## A PROCLAMATION

FOR CALLING OUT MEN OF THE ROYAL NAVAL RESERVE AND  
ROYAL FLEET RESERVE AND OFFICERS AND MEN OF THE  
ROYAL NAVAL VOLUNTEER RESERVE.

GEORGE R.I.

WHEREAS by the fourth section of the Royal Naval Reserve (Volunteer) Act, 1859, it is enacted that it shall be lawful for



us on such occasions as we shall deem fit (the occasion being first communicated to Parliament if Parliament be sitting or declared in Council and notified by Proclamation if Parliament be not sitting or in being) to order and direct that the Volunteers under that Act, or so many or such part of them as We may deem necessary, shall be called into actual service.

AND WHEREAS by the Royal Naval Reserve Volunteer Act, 1896, as amended by the Royal Naval Reserve Act, 1902, it is enacted that the power under the said Act of 1859 to raise and pay Volunteers may be exercised outside the British Islands in respect of British subjects:

AND WHEREAS by the Naval Reserve Act, 1900, the Admiralty are authorized to raise and keep up a new division, commonly known as the Royal Fleet Reserve, of the force raised under the said first recited Act in addition to the men raised under that Act, and such new division is liable to be called out as part of the Royal Naval Reserve under the said fourth section of the said Act of 1859:

AND WHEREAS by the Naval Forces Act, 1903, it is provided that the Admiralty may raise and maintain a force to be called the Royal Naval Volunteer Reserve, and that certain provisions of the said Act of 1859 (including the fourth section of that Act) as amended by any subsequent enactment shall apply to the force so raised:

AND WHEREAS by the first section of the Naval Reserve (Mobilization) Act, 1900, amending the said Act of 1859, it is enacted that it shall be lawful for Us where We order and direct that Volunteers under that Act shall be called into actual service to authorize the Admiralty to give, and when given to revoke or vary, such directions as may seem necessary or proper for calling out all or any of the said Volunteers as the occasion may require.

AND WHEREAS Parliament is not sitting:

AND WHEREAS We have declared in Council and hereby notify that owing to the state of Public Affairs and the demands upon our Naval Forces for the protection of the Empire an occasion has arisen for ordering and directing as in the said Act provided:

We do by this Our Proclamation order and direct that Volunteers under the said Acts shall be called into actual service:

And We do hereby authorize the said Lords Commissioners of the Admiralty to give, and when given to revoke or vary such directions as may seem necessary or proper for calling out all or any of the said Volunteers as the occasion may require.

Given at our Court at Buckingham Palace this third day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.

---

**No. 4**

*The Third Supplement to the London Gazette of 31st July, 1914—  
3rd August, 1914.*

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**Proclamation calling Naval Reserve Officers.**

BY THE KING.

**A PROCLAMATION**

**FOR CALLING OUT OFFICERS OF THE ROYAL NAVAL RESERVE**

**GEORGE R. I.**

WHEREAS by Order in Council dated the fourth day of March, 1911, made pursuant to the powers contained in the Officers of Royal Naval Reserve Act, 1863, certain Regulations were put in force respecting Officers of the Royal Naval Reserve.

AND WHEREAS by Article 77 of such Regulations it is provided that Officers of the Royal Naval Reserve should be called out for actual service by Royal Proclamation, and that they should be liable to serve during the continuance of any national emergency or until they should be regularly discharged by the direction of the Lords Commissioners of the Admiralty.

AND WHEREAS a case of national emergency has arisen:

We do hereby order and direct that the said Officers of the Royal Naval Reserve be called out for actual service.

Given at Our Court at Buckingham Palace, this Third day of August in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

GOD SAVE THE KING.



## No. 5

*The Third Supplement to the London Gazette of 31st July, 1914—  
3rd August, 1914.*

---

Proclamation extending services of time-expired men in Navy.

BY THE KING.

## A PROCLAMATION

FOR EXTENDING THE SERVICES OF TIME-EXPIRED MEN IN THE  
ROYAL NAVY.

GEORGE R. I.

WHEREAS by the ninth section of an Act passed in the Session of Parliament holden in the 16th and 17th years of the Reign of Queen Victoria, intituled "An Act to make better provision concerning the entry and service of Seamen and otherwise to amend the laws concerning Her Majesty's Navy," it is enacted that in case We shall by Proclamation call upon the seamen or any class or classes serving in Our Navy, or such of them as may be required so to do, to extend the term of their services, any seaman to whom such Proclamation shall extend, and whose term of service shall have expired at the date of such Proclamation, or may expire while such Proclamation shall continue in force, shall be required to serve for a period of five years from the expiration of such term, if his services be so long required, and shall be liable to serve accordingly, and shall for such extension of service be entitled to such bounty as may be given by such Proclamation:

AND WHEREAS, We, by and with the advice of Our Privy Council, deem it expedient to extend the service of all classes of men now serving in Our Navy whose term of service may have expired or may expire while this Proclamation shall continue in force.

We, by and with the advice aforesaid, do hereby order and direct that all classes of men now serving in Our Navy whose term of service may have expired or may expire while this Proclamation shall continue in force shall be required to serve for a period of five years from the expiration of their respective terms of service, if their services be so long required.

Each man whose service is extended is to receive a gratuity of three pounds ten shillings for clothing and bedding.

Given at Our Court at Buckingham Palace this third day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the fifth year of our reign.

GOD SAVE THE KING.

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No. 6

*Fifth Supplement to The London Gazette of 31st July,  
1914—4th August, 1914.*

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**Order of His Majesty in Council calling officers of Reserved and Retired Lists.**

AT THE COURT AT BUCKINGHAM PALACE

THE THIRD DAY OF AUGUST, 1914.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty in the words following, viz:—

“WHEREAS we are of opinion that the present state of Public Affairs justifies Officers of the Reserved and Retired Lists being called into Active Service temporarily; we would humbly submit that Your Majesty will be pleased to authorize us to call on such Officers to hold themselves in readiness for Active Service, and to sanction our employing any of such Officers as we may think fit. We would also submit that compulsory retirement from the Active List on account of age be suspended in such cases as we think fit.”

HIS MAJESTY, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And



the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

ALMERIC FITZROY.

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No. 7

*Extra Canada Gazette, 3rd August, 1914.*

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**Order in Council providing for increased issue of Dominion Notes.**

[2033]

AT THE GOVERNMENT HOUSE, AT OTTAWA.

Monday, the 3rd day of August, 1914.

PRESENT:

HIS EXCELLENCY THE DEPUTY GOVERNOR  
GENERAL IN COUNCIL.

The Committee of the Privy Council have had before them a Memorandum, dated 3rd August, 1914, from the Minister of Finance, recommending, having regard to the world-wide financial crisis that has developed upon the outbreak of hostilities in Europe and in view of the action taken by the Imperial Government to conserve the commercial and financial interests of the United Kingdom, that in case such course should in his opinion be required, he be authorized to issue Dominion notes to such an amount as may be necessary against such securities as may be deposited by the banks and approved by the Minister of Finance.

The Minister further recommends as follows:—

That the Government authorize the chartered banks of Canada to make payment in bank notes instead of in gold or Dominion notes until further official announcement in that behalf. This action will tend to preserve the Canadian gold supply against demands from foreign sources:

That the Government authorize the several chartered banks of Canada to issue from this date and until further an-

nouncement excess circulation to amounts not exceeding fifteen per cent of the combined unimpaired capital and rest or reserve fund of the respective banks as stated in their respective statutory monthly returns to the Minister of Finance for the month immediately preceding that in which the additional amount is issued;

That any necessary special legislation be obtained at the next Session of Parliament.

The Minister also recommends that the Government be prepared to give every other possible assistance in order to prevent any avoidable interruption of stable business conditions, and for this purpose to use to the fullest extent all existing powers, and if necessary to ask further powers from Parliament.

The Committee submit the same for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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No. 8

*Supplement to the London Gazette, 4th August, 1914—5th August, 1914.*

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**Announcement of War.**

**A STATE OF WAR.**

His Majesty's Government informed the German Government on August 4th, 1914, that, unless a satisfactory reply to the request of His Majesty's Government for an assurance that Germany would respect the neutrality of Belgium was received by midnight of that day, His Majesty's Government would feel bound to take all steps in their power to uphold that neutrality and the observance of a treaty to which Germany was as much a party as Great Britain.

The result of this communication having been that His Majesty's Ambassador at Berlin had to ask for his passports, His Majesty's Government have accordingly formally notified the German Government that a state of war exists between the two countries from 11 p.m. to-day.

FOREIGN OFFICE, August 4th, 1914.



## No. 9

*Fifth Supplement to The London Gazette of 31st July,  
1914—4th August, 1914.*

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**Proclamation continuing soldiers in Army Service.**

BY THE KING.

**A PROCLAMATION**

**FOR CONTINUING SOLDIERS IN ARMY SERVICE.**

**GEORGE R.I.**

WHEREAS by the Army Act it is amongst other things enacted that it shall be lawful for Us in case of imminent national danger or of great emergency by Proclamation, the occasion being first communicated to Parliament, to direct from time to time that all or any persons who would otherwise be entitled in pursuance of the terms of their enlistment to be transferred to the Reserve shall continue in Army Service and such persons shall accordingly continue in Army Service for the same period for which they might be required to serve if they had been transferred to the Reserve and called out for permanent service by a Proclamation issued by Us under the enactments relating to the Reserve.

AND WHEREAS the present state of Public Affairs and the extent of the demands on Our Military Forces for the protection of the interests of the Empire do in Our opinion constitute a case of great emergency within the meaning of the said Act and We have communicated the same to Parliament.

Now therefore, We do in pursuance of the said Act hereby direct that all soldiers who on or after this date would otherwise be entitled in pursuance of the terms of their enlistment to be transferred to the Reserve shall continue in Army Service until legally discharged or transferred to the Army Reserve.

AND We do hereby direct the Right Honourable Herbert Henry Asquith, One of Our Principal Secretaries of State to give all necessary directions herein accordingly.

Given at Our Court at Buckingham Palace, this Fourth day of August in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

GOD SAVE THE KING.

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**No. 10.**

*Extra Canada Gazette, 5th August, 1914.*

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**Announcement of War.**

Ottawa, 4th August, 1914.

His Royal Highness the Governor General received a telegraphic despatch from the Secretary of State for the Colonies at 8.45 this evening, announcing that war has broken out with Germany.

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**No. 11**

*Supplement to the London Gazette, 4th August, 1914—5th August, 1914.*

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**Proclamation Specifying Contraband of War.\***

BY THE KING.

**A PROCLAMATION.**

SPECIFYING THE ARTICLES TO BE TREATED AS CONTRABAND OF WAR.

GEORGE R.I.

WHEREAS a state of war exists between Us on the one hand and the German Empire on the other:

AND WHEREAS it is necessary to specify the articles which it is Our intention to treat as Contraband of War:

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See further Proclamations, pages 39, 63, 102, 130, 133.



NOW THEREFORE, We do hereby Declare, by and with the advice of Our Privy Council, that during the continuance of the War or until We do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband and the articles enumerated in Schedule II hereto will be treated as conditional contraband:—

#### SCHEDULE I.

The following articles will be treated as absolute contraband:—

1. Arms of all kinds, including arms for sporting purposes and their distinctive component parts.
2. Projectiles, charges and cartridges of all kinds, and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
5. Clothing and equipment of a distinctively military character.
6. All kinds of harness of a distinctly military character.
7. Saddle, draught and pack animals suitable for use in war.
8. Articles of camp equipment, and their distinctive component parts.
9. Armour plates.
10. Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.
11. Aeroplanes, airships, balloons, and aircraft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and aircraft.
12. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

#### SCHEDULE II.

The following articles will be treated as conditional contraband:—

1. Foodstuffs.
2. Forage and grain suitable for feeding animals.

3. Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds available for use in war, and their component parts.
6. Vessels, craft and boats of all kinds; floating docks, parts of docks and their component parts.
7. Railway material, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs and telephones.
8. Fuel; lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Barbed wire and implements for fixing and cutting the same.
11. Horseshoes and shoeing materials.
12. Harness and saddlery.
13. Field-glasses, telescopes, chronometers and all kinds of nautical instruments.

Given at our Court at Buckingham Palace this fourth day of August, in the year of our Lord, one thousand nine hundred and fourteen, and in the fifth year of our reign.

GOD SAVE THE KING.

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**No. 12**

*Extra Canada Gazette, 5th August, 1914.*

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**Proclamation calling the War Session.**

ARTHUR

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.



To Our Beloved and Faithful the Senators of the Dominion of Canada, and the Members elected to serve in the House of Commons of Our said Dominion, and to each and every of you—Greeting:

### A PROCLAMATION.

WHEREAS Our Parliament of Canada stands Prorogued to Friday, the Twenty-Eighth day of the month of August instant, at which time, at Our City of Ottawa, you were held and constrained to appear. Nevertheless, for certain causes and considerations, WE DO WILL, by and with the advice of Our Privy Council for Canada, that you and each of you, be as to Us in this matter entirely exonerated, commanding, and by the tenor of these presents enjoining you, and each of you, and all others in this behalf interested, that on Tuesday, the Eighteenth day of the month of August, instant, at Our City of Ottawa, aforesaid, personally you be and appear for the Despatch of Business, to treat, do, act, and conclude upon these things which in Our said Parliament of Canada, by the Common Council of Our said Dominion, may by the favour of God, be ordained.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom); Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; one of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, in Our said Dominion, this fourth day of August, in the year of Our Lord, one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By Command,

JAMES G. FOLEY,

Clerk of the Crown in Chancery for Canada.

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No. 13

*Extra Canada Gazette, 5th August, 1914.*

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Order in Council Placing Canadian Naval Vessels at Disposal of  
Royal Navy.

[2049]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Tuesday, the 4th day of August, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council is pleased to order that H.M.C.S. *Niobe* and H.M.C.S. *Rainbow*, together with the officers and seamen serving in such vessels, shall be and the same are hereby placed at the disposal of His Majesty for general service in the Royal Navy.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

## No. 14

*Extra Canada Gazette, 5th August, 1914.*

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**Order in Council Placing Naval Forces on Active Service.**

[2050]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Tuesday, the 4th day of August, 1914.

## PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS sections 22 and 31 of The Naval Service Act, chapter 43 of the Statutes of 1910, provide that—

22. The Governor in Council may place the Naval Forces, or any part thereof, on active service at any time when it appears advisable so to do by reason of an emergency.

31. In an emergency the Governor in Council may order and direct that the Naval Volunteer Force, or such part thereof as may be deemed necessary, shall be called into active service, and the naval volunteers so called out shall be liable to serve under such regulations as may be prescribed.

2. If a naval volunteer's period of service expires while he is employed on active service, he shall be liable to serve for a further period of not more than six months, and for such further service he shall not be entitled to any increased remuneration, unless, in the opinion of the Governor in Council, the circumstances of the case and the conduct of the person concerned merits it.

The Governor General in Council is pleased to order and it is hereby ordered, as an emergency exists at the present time, that the Naval Forces and the Naval Volunteer Forces be placed immediately on active service.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.



## No. 15

*Second Supplement to the London Gazette, 4th August, 1914.*

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**Proclamation prohibiting carrying of contraband in British Ships.**

BY THE KING.

A PROCLAMATION

PROHIBITING BRITISH VESSELS FROM CARRYING CONTRABAND  
FROM ONE FOREIGN PORT TO ANY OTHER FOREIGN PORT.

GEORGE R.I.

WHEREAS a state of war exists between Us on the one hand and the German Empire on the other:

AND WHEREAS We have by Proclamation warned all persons, resident, carrying on business, or being, in Our Dominions, that it is contrary to law for them to have any commercial intercourse with any person resident, carrying on business, or being in the said Empire, or to trade in or carry any goods, wares or merchandise destined for or coming from the said Empire, or for or from any person resident carrying on business, or being therein.

NOW WE do hereby further warn all Our subjects that conformably with that prohibition it is forbidden to carry in British Vessels, from any Foreign Port to any other Foreign Port any article comprised in the list of contraband of war issued by Us unless the ship-owner shall have first satisfied himself that the articles are not intended ultimately for use in the enemy country. Any British Vessel acting in contravention of this Proclamation will be liable to capture by Our Naval Forces and to be taken before Our Prize Courts for adjudication, and any of Our subjects acting in contravention of this Proclamation will be liable to such penalties as the law prescribes.

Given at our Court at Buckingham Palace, this fifth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.

No. 16

*Extra Canada Gazette 7th August, 1914.*

*Second Supplement to the London Gazette of 4th August, 1914—  
5th August, 1914.*

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By the King a Proclamation notifying that British subjects contributing to a loan raised on behalf of the German Emperor or contracting with the German Government, will be guilty of high treason, as adhering to the King's enemies.

By THE KING.

A PROCLAMATION.

GEORGE R.I.

WHEREAS a state of war exists between Us and the German Emperor:

AND WHEREAS it constitutes adherence to Our enemies for any of Our subjects or persons resident or being in Our Dominions during the continuance of the state of war to contribute to or participate in or assist in the floating of any loan raised on behalf of the said Emperor, or to advance money to or enter into any contract or dealings whatsoever with the said Emperor or his Government (save upon Our command), or otherwise to aid, abet, or assist the said Emperor or Government,—

NOW, THEREFORE, WE do hereby warn all Our subjects and all persons resident or being in Our Dominions who may be found doing or attempting any of such treasonable acts as aforesaid that they will be liable to be apprehended and dealt with as traitors, and will be proceeded against with the utmost rigour of the law.

Given at Our Court at Buckingham Palace, this fifth day of August, in the year of Our Lord one thousand nine hundred and fourteen and in the fifth year of Our reign.

GOD SAVE THE KING.

## No. 17

*Extra Canada Gazette 7th August, 1914.*

*Second Supplement to the London Gazette of 4th August, 1914—  
5th August, 1914.*

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**By the King a Proclamation Setting Forth the Law and Policy  
with Regard to Trading with the Enemy.\***

BY THE KING.

## A PROCLAMATION.

GEORGE R.I.

WHEREAS a state of war exists between Us and the German Emperor:

AND WHEREAS it is contrary to law for any person resident carrying on business, or being in Our Dominions to trade or have any commercial intercourse with any person resident, carrying on business, or being in the German Empire without Our permission:

AND WHEREAS it is therefore expedient and necessary to warn all persons resident, carrying on business, or being in Our Dominions of their duties and obligations towards Us, Our Crown, and Government.

NOW THEREFORE, WE have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, and we do hereby warn all persons resident, carrying on business, or being in Our Dominions:

Not to supply to or obtain from the said Empire any goods, wares or merchandise, or to supply to or obtain the same from any person resident, carrying on business, or being therein, nor to supply to or obtain from any person any goods, wares or merchandise for or by way of transmission to or from the said Empire, or to or from any person resident, carrying on business, or being therein, nor to trade in or carry any goods, wares or merchandise destined for or coming from the said Empire or for or from any person resident, carrying on business, or being therein;

Nor to permit any British ship to leave for, enter, or communicate with any port or place in the said Empire;

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\*See further Proclamations, pages 39, 88, 105, 109, 124, 136, 150, 202, 205.



Nor to make or enter into any new marine, life, fire, or other policy or contract of insurance with or for the benefit of any person resident, carrying on business, or being in the said Empire, nor under any existing policy or contract of insurance to make any payment to or for the benefit of any such person in respect of any loss due to the belligerent action of His Majesty's forces or of those of any ally of his Majesty;

Nor to enter into any new commercial, financial or other contract or obligation with or for the benefit of any person resident, carrying on business, or being in the said Empire;

And We do hereby further warn all persons that whoever in contravention of the law shall commit, aid, or abet any of the aforesaid acts will be liable to such penalties as the law provides;

And We hereby declare that any transactions to, with or for the benefit of any person resident, carrying on business, or being in the said Empire which are not treasonable and are not for the time being expressly prohibited by Us either by virtue of this Proclamation or otherwise, and which but for the existence of the state of war aforesaid would be lawful, are hereby permitted;

And We hereby declare that the expression "person" in this Proclamation shall include any body of persons corporate or unincorporate, and that where any person has or had an interest in houses or branches of business in some other country as well as in Our Dominions, or in the said Empire, this Proclamation shall not apply to the trading or commercial intercourse carried on by such person solely from or by such houses or branches of business in such other country.

Given at Our Court at Buckingham Palace this fifth day of August in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our reign.

GOD SAVE THE KING.

## No. 18

*Extra Canada Gazette, 5th August, 1914.*

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**Order in Council granting days of grace for departure of German ships.**

[2955]

**AT THE GOVERNMENT HOUSE AT OTTAWA.**

Wednesday, the 5th day of August, 1914.

**PRESENT:**

**HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.**

WHEREAS a state of war now exists between this country and Germany, and His Majesty, the King, being mindful of the recognition accorded to the practice of granting "days of grace" to enemy merchant ships by the convention relative to the Status of Enemy Merchant Ships at the outbreak of hostilities, signed at the Hague on the 18th October, 1907,\* and with the view of lessening so far as may be practicable, the injury caused by war to peaceful and unsuspecting commerce,—

His Royal Highness the Governor General in Council is pleased to order and it is ordered as follows:—

1. From and after the publication of this Order, no enemy merchant ship shall be allowed to depart, except in accordance with the provisions of this Order, from any Canadian port.

2. In the event of the Governor General being informed by His Majesty's Government that information had reached His Majesty's Government, not later than midnight on Friday, the seventh day of August, that the treatment accorded to British Merchant Ships and their cargoes which, at the date of the outbreak of hostilities were in the ports of the enemy or which subsequently entered them is not less favourable than the treatment accorded to Enemy Merchant Ships by Articles 3 to 7 of this Order, the Secretary of State for External Affairs shall notify the Minister of Customs and the Minister of the Naval

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\*See Appendix A.

Service accordingly, and public notice thereof shall forthwith be given in the *Canada Gazette*, and Articles 3 to 8 of this Order shall thereupon come into full force and effect.

3. Subject to the provisions of this Order, enemy merchant ships which—

- (i) At the date of the outbreak of hostilities were in any port in which this order applies; or
- (ii) Cleared from their last port before the declaration of war, and, after the outbreak of hostilities, enter a port to which this Order applies, with no knowledge of the war;

shall be allowed up till midnight (Greenwich mean time)\* on Friday, the fourteenth day of August, 1914, for loading or unloading their cargoes and for departing from such port.

Provided that such vessels shall not be allowed to ship any contraband of war, and any contraband of war already shipped on such vessels must be discharged.

4. Enemy Merchant Ships which cleared from their last port before the declaration of war, and which with no knowledge of the war, arrive at a port to which this Order applies after the expiry of the time allowed by Article 3 for loading or unloading cargo and for departing, and are permitted to enter, may be required to depart either immediately, or within such time as may be considered necessary by the Customs Officer of the port for the unloading of such cargo as they may be required or specially permitted to discharge.

Provided that such vessels may, as a condition of being allowed to discharge cargo, be required to proceed to any other specified Canadian port, and shall there be allowed such time for discharge as the Customs Officer of that port may consider to be necessary.

Provided also that, if any cargo on board such vessel is contraband of war or is requisitioned under Article 5 of this Order, she may be required before departure to discharge such cargo within such time as the Customs Officer of the port may consider to be necessary; or she may be required to proceed, if necessary under escort, to any other port in the Dominion

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\*At ports where Atlantic Time is kept the corresponding standard time of place is 8.0 p.m.; where Eastern Standard Time is kept it is 7.0 p.m.; where Central Time is kept it is 6.0 p.m.; where Mountain Time is kept it is 5.0 p.m.; and where Pacific Time is kept it is 4.0 p.m.; of the same day, respectively.



of Canada, and shall there discharge the contraband under the like conditions.

5. The Canadian Government reserves the right recognized by the said Convention to requisition at any time, subject to payment of compensation, enemy cargo on board any vessel to which Articles 3 and 4 of this Order apply.

6. The privileges accorded by Articles 3 and 4 are not to extend to cable ships or to sea-going ships designed to carry oil-fuel, or to ships whose tonnage exceeds 5,000 tons gross, or whose speed is 14 knots or over, regarding which the entries in Lloyd's Register shall be conclusive for the purposes of this article. Such vessels will remain liable on adjudication by the Prize Court to detention during the period of the war, or to requisition, in accordance, in either case, with the Convention aforesaid. The said privileges will also not extend to merchant ships which show by their build that they are intended for conversion into war-ships, as such vessels are outside the scope of the said Convention, and are liable on adjudication by the Prize Court to condemnation as prize.

7. Enemy merchant ships allowed to depart under Articles 3 and 4 will be provided with a pass indicating the port to which they are to proceed, and the route they are to follow, in which pass shall be embodied the following proviso:—

“Provided also that she keeps her colours constantly flying during her voyage, and makes no attempt to evade stoppage and search by British ships of war which she may fall in with.”

8. A merchant ship which, after receipt of such a pass, does not follow the course indicated therein will be liable to capture.

9. If no information\* reaches His Majesty's Government within the time allowed by it for the receipt of such information to the effect that the treatment accorded to British Merchant Ships and their cargoes which were in the ports of the enemy at the date of the outbreak of hostilities, or which subsequently entered them, is, in its opinion, not less favourable than that accorded to enemy merchant ships by Articles 3 to 8 of this Order, every enemy merchant ship which, on the outbreak of hostilities, was in any port to which this Order applies, and

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\*See notice, page 33.

also every enemy ship which cleared from its last port before the declaration of war, but which, with no knowledge of the war enters a port to which this Order applies, shall, together with the cargo on board thereof, be liable to capture, and shall be brought before the Prize Court forthwith for adjudication.

10. In the event of information reaching His Majesty's Government that British merchant ships which cleared from their last port before the declaration of war, but are met with by the enemy at sea after the outbreak of hostilities, are allowed to continue their voyage without interference with either the ship or the cargo, or after capture are released with or without proceedings in the Prize Court, or are to be detained during the war or requisitioned in lieu of condemnation as prize, the Secretary of State for External Affairs shall notify the Minister of the Naval Service accordingly, and shall publish a notification thereof in the *Canada Gazette*, and in that event, but not otherwise, enemy merchant ships which cleared from their last port before the declaration of war, and are captured after the outbreak of hostilities and brought before the Prize Court for adjudication, shall be released or detained or requisitioned in such cases and upon such terms as may be directed in the said notification in the *Canada Gazette*.

11. Neutral cargo, other than contraband of war, on board an enemy merchant ship which is not allowed to depart from a port to which this Order applies, shall be released.

12. In accordance with the provisions of Chapter III of the Convention, relative to certain restrictions on the Exercise of the Right of Capture in Maritime War, signed at The Hague on 18th October, 1907, an undertaking must, whether the merchant ship is allowed to depart or not, be given in writing by each of the Officers and members of the crew of such vessel, who is of enemy nationality, that he will not, after the conclusion of the voyage for which the pass is issued, engage while hostilities last in any service connected with the operation of the war. If any such Officer is of neutral nationality, an undertaking must be given in writing that he will not serve, after the conclusion of the voyage for which the pass is issued, on any enemy ship while the hostilities last. No undertaking is to be required from members of the crew who are of neutral nationality. Officers or members of the crew declining to give the

undertakings required by this Article will be detained as prisoners of war.

And the Ministers of each of the Government Departments, and all Officers and authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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**No. 19**

*The London Gazette, 7th August, 1914.*

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**Order of His Majesty in Council respecting Prize Courts.\***

**AT THE COURT AT BUCKINGHAM PALACE, THE  
5th DAY OF AUGUST, 1914.**

**PRESENT:**

**THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.**

WHEREAS a state of war exists between this Country and the German Empire, so that His Majesty's fleets and ships may lawfully seize all ships, vessels and goods belonging to the German Empire, or the citizens and subjects thereof, or other persons inhabiting within any of the countries, territories, or dominions of the said German Empire, and bring the same to judgment in such Courts of Admiralty within His Majesty's Dominions, Possessions or Colonies as shall be duly commissioned to take cognizance thereof.

HIS MAJESTY is therefore pleased by and with the advice of His Privy Council, to order, and it is hereby ordered that a Commission in the form of the draft annexed hereto shall issue under the Great Seal of the United Kingdom authorizing the Commissioners for executing the Office of the Lord High Admiral to will and require His Majesty's High Court of Justice and the Judges thereof to take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships, vessels and goods that are or shall be

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\*See Appendix B.



taken, and to hear and determine the same; and according to the course of Admiralty and the Law of Nations, and the Statutes, Rules and Regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels and goods as shall belong to the German Empire, or the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories or dominions of the said German Empire.

ALMERIC FITZROY.

George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to Our right trusty and well-beloved Right Honourable Winston Leonard Spencer-Churchill, M.P., Admiral H.S.H., Prince Louis Alexander of Battenburg, G.C.B., G.C.V.O., K.C.M.G., A.D.C., Vice-Admiral Sir Frederick Tower Hamilton, K.C.B., C.V.O., Rear-Admiral Archibald Gordon Henry Wilson Moore, C.V.O., C.B., Captain Cecil Foley Lambert, R.N., The Right Honourable George Lambert M.P., and the Right Honourable Sir Francis John Stephens Hopwood, G.C.M.G., K.C.B., Our Commissioners for executing the Office of Lord High Admiral of Our United Kingdom of Great Britain and Ireland and the Dominions thereunto belonging, and to Our Commissioners for executing that Office for the time being, Greeting:

WHEREAS a state of war exists between this Country and the German Empire so that Our Fleets and ships may lawfully seize all ships, vessels and goods belonging to the German Empire or the citizens and subjects thereof or other persons inhabiting within any of the countries, territories or dominions of the said German Empire, and bring the same to judgment in such Courts of Admiralty within Our Dominions, Possessions or Colonies as shall be duly commissioned to take cognizance thereof.

THESE ARE THEREFORE to authorize and We do hereby authorize and enjoin you, Our said Commissioners, now and for the time being, or any two or more of you, to will and require Our High Court of Justice and the Judges thereof, and the said High Court and the Judges thereof are hereby authorized and

required to take cognizance of and judicially to proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships, vessels and goods already seized and taken, and to hear and determine the same, and according to the course of Admiralty and the Law of Nations, and the Statutes, Rules and Regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels, and goods as shall belong to the German Empire or to the citizens or subjects thereof or to any other persons inhabiting within any of the countries, territories, or dominions of the said German Empire.

In witness whereof We have caused the Great Seal of the United Kingdom to be put and affixed to these presents.

Given at Our Court at Buckingham Palace, this sixth day of August, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

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## No. 20

*Extra Canada Gazette, 6th August, 1914.*

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### Proclamation prohibiting the export of certain commodities.\*

ARTHUR.

[L.S.]

### CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern,—Greeting:

### A PROCLAMATION.

CHAS. J. DOHERTY,	} WHEREAS it is in and by section 291 of
Minister of Justice,	
Canada.	
	} The Customs Act,† chapter 48 of the Re-
	} vised Statutes of Canada, 1906, enacted

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\*See further Proclamations and Orders in Council, pages 30, 53, 67, 135, 163, 182, 183, 184, 200, 203, 209.

†See Appendix C.

that the Governor in Council may, from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council deems capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man;

AND WHEREAS it is in and by section 242 of the said Act further enacted that—If any goods, the exportation or carrying coastwise or by inland navigation of which is prohibited by this Act or by the Governor in Council under the authority of this Act, are exported, carried coastwise or by inland navigation, or water borne, or laden in any railway carriage, or other vehicle for the purpose of being so exported or carried, they shall be seized and forfeited;

AND WHEREAS our Governor General in Council deems it necessary and in the public interest that the exportation from Canada be prohibited as in the manner hereinafter set forth:

NOW KNOW YE that We do by these presents and by and with the advice of Our Privy Council for Canada, until We shall see fit otherwise to declare that the exportation from Canada of the following articles to all foreign ports in Europe and on the Mediterranean and Black Sea with the exception of those of France, Russia (except the Baltic ports), Spain and Portugal be prohibited:

Aluminium; Aluminium alloys; Armour plating; Armour quality castings and similar protective material; Asbestos; Cables, telegraph and telephone; Camp equipment, articles of; Cannon and other ordnance, and parts thereof; Carbolie acid; Carriages and mountings for cannon and other ordnance and for machine guns, and parts thereof; Coal, steam, large; Compasses and parts thereof, including fittings, such as binnacles; Cresol; Engine and boiler packings; Explosives of all kinds; Fuel, manufactured; Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or of war material for use on land and sea; India rubber-sheet, vulcanized; Manganese; Mercury; Mica; Mineral jellies; Mines, and parts thereof; Molybdenum; Nitrocresol; Nitrates of Ammonium; Nitrates of potassium; Nitrates of sodium; Nitratoluol; Nitric Acid; Picric acid and its components; Rangefinders and parts thereof; Rope and steel



wire and hawsers; Saltpetre; Sounding machines and gear; Steam vessels, lighters and barges of all descriptions; Sulphur; Sulphuric acid; Swords, bayonets and other arms not being fire-arms and parts thereof; Tin; Tinplates; Torpedo tubes; Torpedoes and parts thereof; Tungsten; Vanadium; Four wheeled wagons capable of carrying one ton and over; Two wheeled carts capable of carrying 15 cwt. and over; Harness and saddlery of all kinds; Brass wire for long spans 450 lbs. per mile; Horse and pony shoes; Materials for telegraphs; Wireless telegraphs and telephones; Field glasses and telephones; Field glasses and telescopes; Railway materials both fixed and rolling stock; Men's marching and shooting boots; Heliographs, portable forges; Farriers', carpenters', wheelers' and saddlers' tools, and transport service sets; Glycerine; Alcohol as covering rectified spirits; Uniform clothing and military equipment; Accoutrements; Walnut wood of scantling which can be made into rifle butts and fore-ends.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom); Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; one of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa,  
this Sixth day of August, in the year of Our  
Lord one thousand nine hundred and fourteen, and  
in the fifth year of Our reign.

By command,

LOUIS CODERRE,  
Secretary of State.

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No. 21

*Canada Gazette, 22nd August, 1914.*

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Notice to Mariners.

No. 83 of 1914.

(*Atlantic No. 39.*)

(*Pacific No. 21.*)

CANADA.

(268) INFORMATION AND REGULATIONS RELATING TO WAR  
CONDITIONS—WARNINGS TO MARINERS.

Mariners are notified that, in consequence of declaration of war against Germany by Great Britain, British and Canadian vessels on the high seas are subject to capture by vessels of war of the enemy.

Owners and masters are therefore warned of existing conditions, and are advised not to leave any Canadian port without reference to the Department of the Naval Service.

Mariners are further specially warned that in consequence of the state of war in Europe, they are apt to find war conditions prevalent in any or all countries on the Atlantic Seaboard, and that they must acquaint themselves with local conditions before venturing to approach any coast.

Mariners are further notified that the ports of Halifax, Quebec and Esquimaux may be closed, and the examination service is being enforced, under the provisions detailed in Notice to Mariners No. 8 of 1914.

Notice has been received by cable from the Royal Ministry of Marine of Denmark, to the effect that submarine mines have been laid in the Sound, Copenhagen, in the entrance of Kongedybet, Hollaenderdybet, and Drogden, and that the passage is temporarily limited to the Flinterenden, and that pilotage is compulsory at Copenhagen.

N. to M. No. 83 (268) 6-8-14.

A. JOHNSTON,  
Deputy Minister.

Department of Marine and Fisheries,  
Ottawa, Canada, 6th August, 1914.

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## No. 22

*Extra Canada Gazette, 7th August, 1914.*

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### Proclamation Prohibiting the Exportation of certain Commodities.\*

ARTHUR.

[L.S.]

### CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern,—Greeting:

### A PROCLAMATION.

CHAS. J. DOHERTY, } WHEREAS it is in and by section 291 of  
Minister of Justice, } The Customs Act,† chapter 48 of the Re-  
Canada. } vised Statutes of Canada, 1906, enacted  
that the Governor in Council may, from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of arms, ammunition and gunpowder, military and naval

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\*See further proclamations and Order in Council, pages 26, 53, 67, 135, 163, 182, 183, 184, 200, 203, 209.

†See Appendix C.



stores, and any articles which the Governor in Council deems capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man;

AND WHEREAS it is in and by section 242 of the said Act further enacted that—If any goods, the exportation or carrying coastwise or by inland navigation of which is prohibited by this Act or by the Governor in Council under the authority of this Act, are exported, carried coastwise or by inland navigation, or water borne, or laden in any railway carriage, or other vehicle for the purpose of being so exported or carried, they shall be seized and forfeited;

AND WHEREAS our Governor General in Council deems it necessary and in the public interest that the exportation from Canada be prohibited as in the manner hereinafter set forth,—

NOW KNOW YE that We do by these presents and by and with the advice of Our Privy Council for Canada, until We shall see fit otherwise to declare that the exportation from Canada of the following articles to any places other than the United Kingdom or any British Possessions be prohibited:

Arms of all kinds and their distinctive component parts;

Projectiles, charges and cartridges of all kinds and their distinctive component parts;

Powder and explosives, specially manufactured or prepared for use in war.

Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts;

Petroleum and its products, used for fuel or as a lubricant;

Saddle, draught and pack animals, suitable for use in war;

Chrome and ferrochrome; Cotton suitable for use in the manufacture of explosives; Cotton Waste, Dimithylaniline, Fulminate of mercury; Blast-furnace oil; Fuel oil shale; Mineral lubricating oil; Silk cloth, silk braid, silk thread suitable for cartridge charges; Surgical dressings and bandages;

Clothing and equipment of a military character;

All kinds of harness of a military character;

Articles of military camp equipment and their component parts;

Implements and apparatus, designed for the manufacture or repair of arms or war material;

And further that the exportation from Canada, to any places other than the United Kingdom, British Possessions, the United States, Japan, France and Russia, of the following article be prohibited:—

COAL.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and govern themselves accordingly.

In testimony Whereof, We have caused these Our Letters to be made patent and the Great Seal of Canada to be hereunto affixed. Witness, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom); Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; One of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this seventh day of August, in the year of Our Lord one thousand nine hundred and fourteen and in the fifth year of Our reign.

By Command,

LOUIS CODERRE,  
Secretary of State.

## No. 23

*Supplement to the London Gazette of 7th August, 1914—8th August, 1914.*

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**Notice respecting reciprocity of Germany in granting days of grace in sailing of ships.**

On the night of August 4th, 1914, the Secretary of State received the following notice from the German Ambassador:—

“The Imperial Government will keep merchant vessels flying the British flag interned in German harbours, but will liberate them if the Imperial Government receive a counter undertaking from the British Government within forty-eight hours.”

On August 5th a copy of the Order in Council issued on August 4th as to the treatment of enemy merchant vessels in British ports at the date of the outbreak of hostilities was communicated to the Ambassador of the United States in London, who was then in charge of German interests in this country, with a request that he would be so good as to cause inquiry to be made of the German Government as to whether the terms of Articles III to VIII of the Order in Council constituted an undertaking of the nature the German Government required, and under which they would liberate merchant vessels flying the British flag interned in German harbours.

On August 7th a communication was received from the United States Embassy that the United States Minister at Stockholm had sent the following telegram signed by the United States Ambassador at Berlin:—

“Please state if England has issued Proclamation that she gives permission to enemy ships to leave British ports until midnight, August 14th. If this is so, Germany will issue corresponding orders. Reply through German Legation, Stockholm.”

The United States Embassy added that they did not believe that this telegram was a reply to the message which had been transmitted to Berlin.

On inquiry at the United States Embassy shortly before midnight it was ascertained that no further communication had been received from Berlin.



The Secretary of State for Foreign Affairs has therefore no information as to the treatment accorded to British merchant ships and their cargoes in German ports, and has accordingly addressed the undermentioned notification to the Lords Commissioners of the Treasury and to the Lords Commissioners of the Admiralty.

FOREIGN OFFICE, S.W.,  
Midnight, August 7th, 1914.

MY LORDS,—

I have the honour to state that no information has reached me that the treatment accorded to British merchant ships and their cargoes which were in German ports at the date of the outbreak of hostilities or which subsequently entered them is not less favourable than that accorded to enemy merchant ships by Articles III to VIII of the Order in Council issued on the 4th of August, 1914, with reference to enemy ships being in British ports at the outbreak of hostilities or subsequently entering them. Articles III to VIII of the said Order in Council will therefore not come into operation.

I have the honour to be, My Lords,  
Your Lordship's most obedient humble servant,  
(Sgd) E. GREY.

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No. 24

*Extra Canada Gazette, 8th August, 1914.*

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**Proclamation respecting German alien enemies.\***

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern,—Greeting:

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\*See further Proclamations and Orders in Council, pages 41, 48, 78, 126, 178.

## A PROCLAMATION.

W. STUART EDWARDS, } WHEREAS a state of war  
Acting Deputy Minister of Justice, } exists between the United  
Canada. } Kingdom of Great Britain  
and Ireland and the German Empire;

AND WHEREAS there are many immigrants of German nationality quietly pursuing their usual avocations in various parts of Canada, and it is desirable that such persons should continue in such avocations without interruption,—

NOW KNOW YE that by and with the advice of Our Privy Council for Canada, We do by these presents proclaim and direct as follows:

1. Such persons so long as they quietly pursue their ordinary avocations shall not be arrested, detained or interfered with, unless there is reasonable ground to believe that they are engaged in espionage, or attempting to engage in acts of a hostile nature, or to give information to the enemy, or unless they otherwise contravene any law, order in council or proclamation;

2. All German officers or reservists attempting to leave Canada at any port on the Atlantic or on the Pacific shall be arrested and detained;

3. Precautions shall be taken at all important points such as Halifax, St. John, Quebec, Montreal, Kingston, Toronto, Niagara, Hamilton, London, Windsor, Sarnia, Sault Ste. Marie, Port Arthur, Fort William, Winnipeg, Regina, Moosejaw, Calgary, Lethbridge, Revelstoke, Sicamous, Mission Junction, New Westminster, Vancouver, Victoria and any other similar points in the discretion of the Minister of Militia, to prevent German officers or reservists from leaving Canada, for the purpose of entering the United States and thence proceeding to Germany, and any such officers or reservists making any such attempt shall be arrested and detained.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom); Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; one of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this seventh day of August, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By Command,

THOMAS MULVEY,

Under-Secretary of State.

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No. 25

*Canada Gazette, 15th August, 1914.*

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Civil Servants desiring to enter active service.

[2102]

Certified copy of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor General on the 11th August, 1914.



The Committee of the Privy Council have had before them a Report, dated 10th August, 1914, from the Right Honourable the Prime Minister, stating that since the outbreak of war a large number of persons employed in the Civil Service of Canada, who are enrolled in the active Militia, have applied for leave of absence to serve at home or abroad, and many others not so enrolled have signified a desire to volunteer for service either in Canada or abroad;

The Minister observes that,—considering the needs of the several Departments of the Government in order to maintain and carry on the public service and the necessity of retaining a sufficient number of experienced and qualified men for such purpose, and after consulting the heads of the various Departments,—he is of opinion it will not be possible or expedient to grant all applications of this character,—

The Minister therefore, recommends as follows:

Any person in the service of the Government whether the inside or the outside service who is enrolled in the active Militia shall, if required by the head of his Department, with the consent of the Minister of Militia, resume his duties in the public service although he has been called out for active service as a member of the Militia.

Subject to the foregoing provision all persons in the employment of the Government of Canada who, during the present war, have been or may be called out for active service as members of the Militia, and all persons who, with the consent of the head of the Department in which they are engaged, enlist in any expeditionary force raised in Canada for service abroad during the war, shall be entitled to receive their regular salary during such period of service subject to such regulations and conditions as to the payment of such salary to the families or dependents of such persons or otherwise as may be prescribed by Order in Council or by the head of the Department in each case.

The Committee concur in the foregoing and submit the same for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

**No. 26**

*Supplement to The London Gazette, 11th August, 1914—13th August, 1914.*

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**Announcement of war with Austria-Hungary.****NOTICE.**

Diplomatic relations between France and Austria being broken off, the French Government have requested His Majesty's Government to communicate to the Austro-Hungarian Ambassador in London the following Declaration:—

“Après avoir déclaré la guerre à la Serbie et pris ainsi la première initiative des hostilités en Europe, le Gouvernement austro-hongrois s'est mis, sans aucune provocation du Gouvernement de la République Française, en état de guerre avec la France;

1°—Après que l'Allemagne avait successivement déclaré la guerre à la Russie et à la France il est intervenu dans ce conflit en déclarant le guerre à la Russie qui combattait déjà aux côtés de la France.

2°—D'après de nombreuses informations dignes de foi, l'Autriche a envoyé des troupes sur la frontière allemande dans des conditions qui constituent une menace directe à l'égard de la France.

En présence de cet ensemble de faits, le Gouvernement français se voit obligé de déclarer au Gouvernement austro-hongrois qu'il va prendre toutes les mesures qui lui permettront de répondre à ces actes et à ces menaces.”

In communicating this Declaration accordingly to the Austro-Hungarian Ambassador, His Majesty's Government have declared to His Excellency that the rupture with France having been brought about in this way they feel themselves obliged to announce that a state of war exists between Great Britain and Austria-Hungary as from midnight.

Foreign Office,  
August 12th, 1914.

No 27.

*Extra Canada Gazette, 12th August, 1914.*

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**Despatch announcing the war with Austria-Hungary.**

Ottawa, 12th August, 1914.

His Royal Highness the Governor General received a telegraphic despatch from the Secretary of State for the Colonies at 9 o'clock this evening announcing that war had broken out with Austria-Hungary.

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No. 28

*Supplement to the London Gazette of 11th August, 1914—  
13th August, 1914.*

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**A Proclamation Extending the Scope of Certain Existing Proclamations and Certain Orders in Council connected with the War.**

By THE KING.

A PROCLAMATION.

GEORGE R.I.

WHEREAS on the fourth day of August, one thousand nine hundred and fourteen a state of war came into existence between Us on the one hand and the German Empire on the other:

AND WHEREAS We did on the same date and on the fifth day of August, one thousand nine hundred and fourteen, issue certain Proclamations and Orders in Council connected with such State of War:

AND WHEREAS a State of War now exists between Us on the one hand and the Dual Monarchy of Austria-Hungary on the other:

AND WHEREAS it is therefore desirable to extend the scope of certain of the Proclamations and Orders in Council aforesaid:

NOW, THEREFORE, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring and it is hereby declared as follows:—



1. The Proclamation warning all Our Subjects and all persons resident or being in Our Dominions from contributing to, or participating in or assisting in the floating of, any loan raised on behalf of the German Government, or from advancing money to or entering into any contract or dealings whatsoever with the said Government, or otherwise aiding, abetting, or assisting the said Government, shall be deemed as from this date to apply to all loans raised on behalf of, or contracts or dealings entered into with, or to aiding, abetting, or assisting the Austro-Hungarian Government.

2. The Proclamation on Trading with the Enemy shall be deemed as from this date to prohibit with the Dual Monarchy of Austria-Hungary all commercial intercourse, which under the said Proclamation is prohibited with the German Empire, and for this purpose such Proclamation shall read as if throughout the operative portion thereof, the words "either the German Empire or the Dual Monarchy of Austria-Hungary" were substituted for the words "the German Empire."

3.—(1.) In the Order in Council issued with reference to the departure from Our Ports of enemy vessels, which at the outbreak of hostilities were in any such Port or which subsequently entered the same, the word "enemy," as applied to either ships or cargo, shall be deemed as from this date to include Austro-Hungarian ships or cargo.

(2.) In the application of this Article to Austro-Hungarian ships the date Saturday, the Fifteenth day of August, shall be substituted for the date mentioned in Article 2 of the said Order in Council, and the date Saturday, the Twenty-second day of August, shall be substituted for the date mentioned in Article 3 of the said Order in Council.

4. The Proclamation specifying the articles which it is Our intention to treat as Contraband of War during the war with Germany shall be deemed to specify the articles which it is Our intention to treat as Contraband of War during the war with Austria-Hungary.

5. In the Proclamation forbidding the carriage in British vessels from any Foreign Port to any other Foreign Port of any article comprised in the list of Contraband of War issued by Us, unless the shipowner shall have first satisfied himself

that the articles are not intended ultimately for use in the enemy country, the words "enemy country" shall be deemed as from this date to include the Dual Monarchy of Austria-Hungary.

Given at Our Court at Buckingham Palace, this Twelfth day of August, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

GOD SAVE THE KING.

No. 29

*Extra Canada Gazette, August 13th, 1914.*

**Proclamation respecting Austro-Hungarian alien enemies.\***

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in any wise concern,—Greeting:

### A PROCLAMATION.

W. STUART EDWARDS,	}	WHEREAS a state of war exists be-
Acting Deputy Min-	}	tween the United Kingdom of Great
ister of Justice,	}	Britain and Ireland and the Austro-
Canada.	}	Hungarian Monarchy;

AND WHEREAS there are many immigrants of Austro-Hungarian nationality quietly pursuing their usual avocations in various parts of Canada, and it is desirable that such persons should continue in such avocations without interruption,—

Now KNOW YE that by and with the advice of Our Privy Council for Canada, We do by these presents proclaim and direct as follows:

\*See further Proclamations and Orders in Council, pages 34, 73, 126, 178.

1. Such persons so long as they quietly pursue their ordinary avocations shall not be arrested, detained or interfered with, unless there is reasonable ground to believe that they are engaged in espionage, or attempting to engage in acts of a hostile nature, or to give information to the enemy, or unless they otherwise contravene any law, order in council or proclamation;

2. All Austro-Hungarian officers or reservists attempting to leave Canada at any port on the Atlantic or on the Pacific shall be arrested and detained;

3. Precautions shall be taken at all important points such as Halifax, St. John, Quebec, Montreal, Kingston, Toronto, Niagara, Hamilton, London, Windsor, Sarnia, Sault Ste. Marie, Port Arthur, Fort William, Winnipeg, Regina, Moosejaw, Calgary, Lethbridge, Revelstoke, Sicamous, Mission Junction, New Westminster, Vancouver, Victoria and any other similar points in the discretion of the Minister of Militia, to prevent Austro-Hungarian officers or reservists from leaving Canada for the purpose of entering the United States and then proceeding to Austria-Hungary, and any such officers or reservists making any such attempt shall be arrested and detained.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Perrage of the United Kingdom); Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; One of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Com-



mander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander-in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this thirteenth day of August, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our reign.

By Command,  
THOMAS MULVEY,  
Under-Secretary of State.

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No. 30

*The London Gazette, 25th August, 1914.*

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**Proclamation respecting Consuls of enemy nationality.**

[L.S.] *GEORGE R.I.*

George, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, etc., etc., etc., To all to whom these Presents shall come,—Greeting:

WHEREAS WE, and also Her late Majesty Queen Victoria of Happy Memory, and His late Majesty King Edward the Seventh of Happy Memory, have from time to time, by the Grant of Exequaturs, or otherwise, recognised and approved divers persons, being subjects of the German Empire or of the Dual Monarchy of Austria-Hungary, as Consular Representatives of other foreign Powers within Our Dominions or Protectorates, or within places subject to Our occupation or control;

AND WHEREAS a state of war exists between Us and the German Empire, and also between Us and the Dual Monarchy of Austria-Hungary;

AND WHEREAS, for divers good causes and considerations Us thereunto moving, we have deemed it expedient no longer to recognise any such persons as such Consular Representatives as aforesaid, and further to withdraw all the Exequaturs heretofore granted to any of such persons:

Now KNOW YE that we do hereby declare, order, and direct that any person, being a subject of the German Empire or of the Dual Monarchy of Austria-Hungary, and now being a Consular Representative of any other foreign Power within Our Dominions or Protectorates, or within places subject to Our occupation or control, shall henceforth no longer be recognised as such Consular Representative, or permitted to perform any duties, or act in any respect as such Consular Representative within our Dominions or Protectorates, or within places subject to Our occupation or control, and that We do hereby withdraw accordingly all and singular the Exequaturs and Exequatur heretofore granted to any of such persons.

Given at Our Court of St. James the 13th day of August,  
in the year of Our Lord one thousand nine hundred  
and fourteen, and in the fifth year of Our reign.

By His Majesty's Command,  
(Sgd.) E. GREY.

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**No. 31**

*Extra Canada Gazette, 13th August, 1914.*

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**Order in Council granting days of grace for departure of Austro-Hungarian ships.**

[2129]

**AT THE GOVERNMENT HOUSE AT OTTAWA**

**Friday, the 14th day of August, 1914.**

**PRESENT:**

**HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.**

WHEREAS a state of war now exists between this country and Austria-Hungary, and His Majesty, the King, being mindful of the recognition accorded to the practice of granting "days of grace" to enemy merchant ships by the convention relative

to the Status of Enemy Merchant Ships at the outbreak of hostilities, signed at The Hague on the 18th October, 1907,\* and with the view of lessening so far as may be practicable, the injury caused by war to peaceful and unsuspecting commerce,—

His Royal Highness the Governor General in Council is pleased to order and it is ordered as follows:—

1. From and after the publication of this Order, no enemy merchant ship shall be allowed to depart, except in accordance with the provisions of this Order, from any Canadian port.

2. In the event of the Governor General being informed by His Majesty's Government that information had reached His Majesty's Government, not later than midnight on Saturday, the fifteenth day of August, 1914, that the treatment accorded to British Merchant Ships and their cargoes which, at the date of the outbreak of hostilities were in the ports of the enemy or which subsequently entered them is not less favourable than the treatment accorded to Enemy Merchant Ships by Articles 3 to 7 of this Order, the Secretary of State for External Affairs shall notify the Minister of Customs and the Minister of the Naval Service accordingly, and public notice thereof shall forthwith be given in the *Canada Gazette*, and Articles 3 to 8 of this Order shall thereupon come into full force and effect.

3. Subject to the provisions of this Order, enemy merchant ships which—

- (i) At the date of the outbreak of hostilities were in any port in which this Order applies; or
- (ii) Cleared from their last port before the declaration of war, and, after the outbreak of hostilities, enter a port to which this Order applies, with no knowledge of the war;

shall be allowed up till midnight (Greenwich mean time) † on Saturday the twenty-second day of August, 1914, for loading or unloading their cargoes and for departing from such port.

Provided that such vessels shall not be allowed to ship any contraband of war, and any contraband of war already shipped on such vessels must be discharged.

4. Enemy Merchant Ships which cleared from their last port before the declaration of war, and which with no knowledge

\*See Appendix A.

†At ports where Atlantic Time is kept the corresponding standard time of place is 8.0 p.m.; where Eastern Standard Time is kept it is 7.0 p.m.; where Central Time is kept it is 6.0 p.m.; where Mountain Time is kept it is 5.0 p.m.; and where Pacific Time is kept it is 4.0 p.m. of the same day, respectively.



of the war, arrive at a port to which this Order applies after the expiry of the time allowed by Article 3 for loading or unloading cargo and for departing, and are permitted to enter, may be required to depart either immediately, or within such time as may be considered necessary by the Customs Officer of the port for the unloading of such cargo as they may be required or specially permitted to discharge.

Provided that such vessels may, as a condition of being allowed to discharge cargo, be required to proceed to any other specified Canadian port, and shall there be allowed such time for discharge as the Customs Officer of that port may consider to be necessary.

Provided also that, if any cargo on board such vessel is contraband of war or is requisitioned under Article 5 of this Order, she may be required before departure to discharge such cargo within such time as the Customs Officer of the port may consider to be necessary; or she may be required to proceed, if necessary, under escort, to any other port in the Dominion of Canada, and shall there discharge the contraband under the like conditions.

5. The Canadian Government reserves the right recognized by the said Convention to requisition at any time, subject to payment of compensation, enemy cargo on board any vessel to which Articles 3 and 4 of this Order apply.

6. The privileges accorded by Articles 3 and 4 are not to extend to cable ships or to sea-going ships designed to carry oil fuel, or to ships whose tonnage exceeds 5,000 tons gross, or whose speed is 14 knots or over, regarding which the entries in Lloyd's Register shall be conclusive for the purposes of this article. Such vessels will remain liable on adjudication by the Prize Court to detention during the period of the war, or to requisition, in accordance, in either case, with the Convention aforesaid. The said privileges will also not extend to merchant ships which show by their build that they are intended for conversion into warships, as such vessels are outside the scope of the said Convention, and are liable on adjudication by the Prize Court to condemnation as prize.

7. Enemy merchant ships allowed to depart under Articles 3 and 4 will be provided with a pass indicating the port to which they are to proceed, and the route they are to follow, in which pass shall be embodied the following proviso:—

"Provided also that she keeps her colours constantly flying during her voyage, and makes no attempt to evade stoppage and search by British ships of war which she may fall in with."

8. A merchant ship which, after receipt of such a pass, does not follow the course indicated therein will be liable to capture.

9. If no information reaches His Majesty's Government within the time allowed by it for the receipt of such information to the effect that the treatment accorded to British Merchant Ships and their cargoes which were in the ports of the enemy at the date of the outbreak of hostilities, or which subsequently entered them, is, in its opinion, not less favourable than that accorded to enemy merchant ships by Articles 3 to 8 of this Order, every enemy merchant ship which, on the outbreak of hostilities, was in any port to which this Order applies, and also every enemy ship which cleared from its last port before the declaration of war, but which, with no knowledge of the war enters a port to which this Order applies, shall, together with the cargo on board thereof, be liable to capture, and shall be brought before the Prize Court forthwith for adjudication.

10. In the event of information\* reaching His Majesty's Government that British merchant ships which cleared from their last port before the declaration of war, but are met with by the enemy at sea after the outbreak of hostilities, are allowed to continue their voyage without interference with either the ship or the cargo, or after capture are released with or without proceedings in the Prize Court, or are to be detained during the war or requisitioned in lieu of condemnation as prize, the Secretary of State for External Affairs shall notify the Minister of the Naval Service accordingly, and shall publish a notification thereof in the *Canada Gazette*, and in that event, but not otherwise, enemy merchant ships which cleared from their last port before the declaration of war, and are captured after the outbreak of hostilities and brought before the Prize Court for adjudication, shall be released or detained or requisitioned in such cases and upon such terms as may be directed in the said notification in the *Canada Gazette*.

11. Neutral cargo, other than contraband of war, on board an enemy merchant ship which is not allowed to depart from a port to which this Order applies, shall be released.

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\*See notice pages 52, 57.

12. In accordance with the provisions of Chapter III of the Convention, relative to certain restrictions on the Exercise of the Right of Capture in Maritime War, signed at the Hague on 18th October, 1907, an undertaking must, whether the merchant ship is allowed to depart or not, be given in writing by each of the Officers and members of the crew of such vessel, who is of enemy nationality, that he will not, after the conclusion of the voyage for which the pass is issued, engage while hostilities last in any service connected with the operation of the war. If any such Officer is of neutral nationality, an undertaking must be given in writing that he will not serve, after the conclusion of the voyage for which the pass is issued, on any enemy ship while hostilities last. No undertaking is to be required from members of the crew who are of neutral nationality. Officers or members of the crew declining to give the undertakings required by this Article will be detained as prisoners of war.

And the Ministers of each of the Government Departments, and all Officers and authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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No. 32

*Extra Canada Gazette, 15th August, 1914.*

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**Proclamation respecting German and Austro-Hungarian alien enemies.\***

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

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\*See further Proclamations and Orders in Council, pages. 34, 41, 78, 126, 178.



To all to whom these presents shall come, or whom the same may in any wise concern,—GREETING:

# A PROCLAMATION.

<p>W. STUART EDWARDS, Acting-Deputy Minister of Justice, Canada.</p>	}	<p>WHEREAS a state of war exists between the United Kingdom of Great Britain and Ireland and the German Empire, and between the United Kingdom of Great Britain and Ireland and the Austro- Hungarian Monarchy;</p>
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AND WHEREAS certain instructions have been received from His Majesty's Government in connection with the arrest and detention of subjects in Canada of the German Empire and of the Austro-Hungarian Monarchy and particularly of those who attempt to leave Canada;

AND WHEREAS there are many persons of German and Austro-Hungarian nationality quietly pursuing their usual avocations in various parts of Canada, and it is desirable that such persons should be allowed to continue in such avocations without interruption,—

Now KNOW YE that by and with the advice of Our Privy Council for Canada, We do by these presents proclaim and direct as follows;

1. That all persons in Canada of German or Austro-Hungarian nationality, so long as they quietly pursue their ordinary avocations be allowed to continue to enjoy the protection of the law and be accorded the respect and consideration due to peaceful and law-abiding citizens; and that they be not arrested, detained or interfered with, unless there is reasonable ground to believe that they are engaged in espionage, or engaging or attempting to engage in acts of a hostile nature, or are giving or attempting to give information to the enemy, or unless they otherwise contravene any law, order in council or proclamation.

2. That

- (a) All German or Austrian or Austro-Hungarian officers, soldiers or reservists who attempt to leave Canada;
- (b) All subjects of the German Empire or of the Austro-Hungarian Monarchy in Canada, who attempt to leave Canada, and in regard to whom there is reasonable

ground to believe that their attempted departure is with a view to assisting the enemy; and

- (c) All subjects of the German Empire or of the Austro-Hungarian Monarchy in Canada engaged or attempting to engage in espionage or acts of a hostile nature; or giving or attempting to give information to the enemy, or assisting or attempting to assist the enemy, or who are on reasonable grounds suspected of doing or attempting to do any of the said acts;

be arrested and detained.

3. That in addition to and without affecting the power already vested in the militia in that behalf power to effect the arrest and detention of all or any person or persons coming within any of the classes mentioned in paragraph (2) hereof be vested in the Chief Commissioner and the Commissioners and constables of the Dominion Police Force; the Commissioner, officers and constables of the Royal North West Mounted Police; and such other persons as may be authorized so to do by the Chief Commissioner of Dominion Police.

4. That such authorities and officers mentioned in paragraph (3) hereof, or the militia, be authorized to release any such person so arrested or detained as aforesaid of whose reliability they may be satisfied on his signing an undertaking in the form following:—

### UNDERTAKING.

I.....at present  
of.....in the Province  
of.....in the Dominion of Canada,  
do hereby declare that I am

a German  
an Austro-Hungarian

Subject; I now in consideration of my exemption from detention as a subject of

Germany, do  
Austria-Hungary,

hereby undertake and promise that I will report to such official and upon such terms as the Canadian authorities may from time to time prescribe; that I will carefully observe the laws of the United Kingdom of Great Britain and Ireland and of Canada and such rules as may be specially laid down for my conduct; that I will strictly abstain from taking up arms and from doing any

act of hostility towards the Government of this Country, and that, except with the permission of the officer under whose surveillance I may be placed, I will strictly abstain from communicating to anyone whomsoever any information respecting the existing war or the movements of troops, or the military preparations which the Authorities of Canada or Great Britain may make, or as respects the resources of Canada, and that I will do no act that might be of injury to the Dominion of Canada or the United Kingdom of Great Britain and Ireland and the Dominions and possessions thereof.

Dated this.....day of.....1914.

WITNESS,

.....

5. That any such person so arrested and detained as aforesaid, of whose reliability the officer or authority making the arrest is not satisfied, or who refuses to sign such undertaking, or having signed same fails to abide by its terms, be interned by such authorities and officers or militia according to the usages and laws of war in such place as may be provided by the militia, and that if it be deemed necessary that guards be placed on persons so interned, such guards be furnished by the active militia of Canada on the request of such authorities or officers to officers commanding divisional areas and districts.

6. That all such authorities and officers or militia who may exercise any of the powers above mentioned be directed to report in each case to the Chief Commissioner of Dominion Police stating the name, address and occupation of the person detained or paroled, the date and place of detention and generally the circumstances of the arrest and detention and all such information as may be necessary or useful for the purposes of record and identification.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of



Strathearn, Earl of Sussex (in the Peerage of the United Kingdom); Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; One of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de Camp; Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this fifteenth day of August, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our reign.

By Command,

THOMAS MULVEY,

Under Secretary of State.

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### No. 33

*Second Supplement to the London Gazette of 14th August, 1914—  
16th August, 1914.*

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**Notice of reciprocal treatment respecting departure of ships by  
Austria-Hungary.**

### NOTICE.

The Secretary of State for Foreign Affairs has received information of a nature to satisfy him that the treatment accorded to British merchant ships and their cargoes in Austro-Hungarian ports is not less favourable than that accorded to Austro-Hungarian merchant ships and their cargoes in British ports, and he has accordingly addressed the undermentioned notification to the Lords Commissioners of the Treasury and to the Lords Commissioners of the Admiralty.

FOREIGN OFFICE, S.W., August 15th, 1914.

MY LORDS,—

I have the honour to state that information has reached me of a nature to satisfy me that the treatment accorded to British merchant ships and their cargoes which were in Austro-Hungarian ports at the date of the outbreak of hostilities, or which subsequently entered them, is not less favourable than that accorded by Articles 3 to 8 of the Order in Council issued on the 4th day of August, 1914, with reference to enemy ships being in British ports at the outbreak of hostilities, or subsequently entering them, which extended so as to apply to Austro-Hungarian merchant ships by His Majesty's Proclamation issued on the 12th day of August, 1914.

Articles 3 to 8 of the said Order in Council, as extended by the Proclamation dated the 12th August, 1914, will therefore come into full force and effect with regard to Austro-Hungarian merchant ships.

I have the honour to be,

My Lords,

Your Lordships most obedient humble servant,

E. GREY.

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No. 34

*Extra Canada Gazette, 17th August, 1914.*

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**Proclamation respecting the prohibition of export of certain commodities.\***

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in any wise concern,—GREETING:—

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\*See further Proclamations and Order in Council, pages 26, 30, 67, 135, 163, 182, 183, 184, 200, 203, 209.

## A PROCLAMATION.

W. STUART EDWARDS,  
Acting Deputy Minister of  
Justice, Canada.

WHEREAS it is in and by section 291 of The Customs Act,\* chapter 48 of the Revised Statutes of Canada, 1906, enacted that the Governor in Council may, from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council deems capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man;

AND WHEREAS it is in and by section 242 of the said Act further enacted that—If any goods, the exportation or carrying coastwise or by inland navigation of which is prohibited by the said Act or by the Governor in Council under the authority of said Act, are exported, carried coastwise or by inland navigation, or water-borne, or laden in any railway carriage, or other vehicle for the purpose of being so exported or carried, they shall be seized and forfeited;

AND WHEREAS in and by Our Proclamation bearing date the seventh day of August, in the year of Our Lord one thousand nine hundred and fourteen, We did declare that the exportation from Canada to any places other than the United Kingdom, the British Possessions, the United States, Japan, France and Russia, of coal be prohibited;

AND WHEREAS Our Governor in Council has by an order of the fifteenth day of August, 1914, amended an order of the seventh day of the said month of August, prohibiting the exportation of coal from Canada to certain places in the last order named, by permitting the exportation of such coal from Canada to Norway, Sweden and Denmark, and has further ordered that the said first mentioned order be proclaimed and published in Our *Canada Gazette*,—

NOW KNOW YE that we do by these presents by and with the advice of Our Privy Council for Canada, direct that the said last mentioned Order in Council which is as follows:

“The Order in Council of 7th August, 1914, prohibiting the exportation of coal from Canada to certain

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\*See Appendix C.



“places is hereby amended and the exportation of such coal  
“from Canada to Norway, Sweden and Denmark, is  
“permitted.

“The Governor General in Council is further pleased  
“to order that this amending Order in Council be pro-  
“claimed and published in the *Canada Gazette*”

be hereby proclaimed and be published in our *Canada Gazette*.

Of all which Our loving subjects and all others whom these  
presents may concern, are hereby required to take notice and  
govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters  
to be made Patent, and the Great Seal of Canada to  
be hereunto affixed. Witness, Our Most Dear and  
Entirely Beloved Uncle and Most Faithful Counsellor  
Field Marshal His Royal Highness Prince Arthur  
William Patrick Albert, Duke of Connaught and of  
Strathearn, Earl of Sussex (in the Peerage of the  
United Kingdom); Prince of the United Kingdom of  
Great Britain and Ireland, Duke of Saxony, Prince of  
Saxe-Coburg and Gotha; Knight of Our Most Noble  
Order of the Garter; Knight of Our Most Ancient and  
Most Noble Order of the Thistle; Knight of our Most  
Illustrious Order of Saint Patrick; one of Our Most  
Honourable Privy Council; Great Master of Our Most  
Honourable Order of the Bath; Knight Grand Com-  
mander of Our Most Exalted Order of the Star of India;  
Knight Grand Cross of Our Most Distinguished Order of  
Saint Michael and Saint George; Knight Grand Com-  
mander of Our Most Eminent Order of the Indian  
Empire; Knight Grand Cross of Our Royal Victorian  
Order; Our Personal Aide-de-Camp; Governor General  
and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this  
fifteenth day of August, in the Year of Our Lord one  
thousand nine hundred and fourteen, and in the fifth  
year of Our reign.

By command,

THOMAS MULVEY,

Under-Secretary of State.

## No. 35

*Canada Gazette, 22nd August, 1914.*

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AMENDMENT to Radiotelegraph Regulations issued by the Minister of the Naval Service under section 11 of The Radiotelegraph Act, Statutes 1913, chapter 43.

**Operations of the ship stations within the territorial waters and Harbours of Canada.**

Regulations Numbers 103 and 104 of the Minister's regulations issued 8th June, 1914, are hereby cancelled and the following substituted therefor:—

**103. SHIP STATIONS IN TERRITORIAL WATERS.**

The radiotelegraph stations on board ships (other than H. M. ships of war or Canadian Government vessels) shall not be worked while such ships are within the territorial waters of Canada, unless specific permission is granted therefor by the controlling Canadian coast station for the locality, and then only provided such working does not interfere with the operation of any coast station established in Canada, and that the provisions of the Radiotelegraph Convention of London, 1912, and the Service Regulations, annexed thereto are strictly observed.

**104. SHIP STATIONS IN HARBOURS.**

The radiotelegraph stations on board ships (other than H.M. ships of war or Canadian Government vessels) shall not be worked whilst such ships are within a harbour of the Dominion of Canada.

Department of Naval Service.

Ottawa, 15th August, 1914.

No. 36

*Extra Canada Gazette, August 17th, 1914.*

Order in Council confirming order of 14th August, 1914 respecting days of grace for departure of Austro-Hungarian ships.

[2168]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Monday, the 17th day of August, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS information reached His Majesty's Government before midnight on Saturday, the fifteenth day of August, 1914, that the treatment accorded to British Merchant Ships and their cargoes, which at the date of the outbreak of hostilities were in the ports of Austria-Hungary or which subsequently entered them is not less favourable than the treatment accorded to the Merchant Ships of Austria-Hungary by Articles 3 to 7 of an Order in Council, dated 14th August, 1914, published in the *Canada Gazette* on 15th August, 1914,—

THEREFORE the Governor General in Council is pleased to order and it is hereby ordered that Articles 3 to 7 of the said Order in Council of 14th August, 1914, shall come into full force and effect, as to Merchant Ships of Austria-Hungary.

The Governor General in Council is further pleased to order that due notice hereof be published in the *Canada Gazette* forthwith.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.



## No. 37

*Extra Canada Gazette, 18th August, 1914*

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Speech from the Throne on opening of war session of Parliament.

## CHAMBER OF THE SENATE.

OTTAWA, Tuesday, 18th August, 1914.

This day, at THREE o'clock p.m., HIS ROYAL HIGHNESS THE GOVERNOR GENERAL proceeded in state to the Chamber of the Senate, in the Parliament Buildings, and took his seat upon the Throne. The Members of the Senate being assembled, His Royal Highness was pleased to command the attendance of the House of Commons, and that House being present, HIS ROYAL HIGHNESS was pleased to open the FOURTH SESSION of the TWELFTH PARLIAMENT OF THE DOMINION OF CANADA with the following Speech:—

*Honourable Gentlemen of the Senate:*

*Gentlemen of the House of Commons:*

Very grave events vitally affecting the interests of all His Majesty's Dominions have transpired since prorogation. The unfortunate outbreak of war made it immediately imperative for my Ministers to take extraordinary measures for the defence of Canada and for the maintenance of the honour and integrity of our Empire.

With respect to such of these measures as may require the sanction and approval of Parliament, the necessary legislative proposals will be submitted for your consideration. Other Bills authorizing additional measures which are essential for the public safety will also be presented to you without delay.

*Gentlemen of the House of Commons:*

Estimates will be laid before you to provide for expenditure which has been or may be caused by the outbreak of hostilities.

*Honourable Gentlemen of the Senate:*

*Gentlemen of the House of Commons:*

The critical period into which we have just entered has aroused to the full the patriotism and loyalty which have al-

ways actuated the Canadian people. From every Province and indeed from every community the response to the call of duty has been all that could be desired. The spirit which thus animates Canada inspires also His Majesty's Dominions throughout the world; and we may be assured that united action to repel the common danger will not fail to strengthen the ties that bind together those vast Dominions in the possession and enjoyment of the blessings of British liberty.

As representative of His Majesty the King, I must add my expression of thanks and admiration for the splendid spirit of patriotism and generosity that has been displayed throughout the length and breadth of the Dominion.

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No. 38

*Extra Canada Gazette, 19th August, 1914.*

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**Proclamation of war for purposes of Prize Court Act.**

[L.S.]

CANADA.

By Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom); Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of the Most Noble Order of the Garter; Knight of the Most Ancient and Most Noble Order of the Thistle; Knight of the Most Illustrious Order of Saint Patrick; one of His Majesty's Most Honourable Privy Council; Great Master of the Most Honourable Order of the Bath; Knight Grand Commander of the Most Exalted Order of the Star of India; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of the Most Eminent Order of the Indian Empire; Knight Grand Cross of the Royal Victorian Order; Personal Aide-de-Camp to His Majesty the King; Governor General and Commander in-Chief of the Dominion of Canada, and Vice-Admiral of the same.

To all to whom these Presents shall come, Greeting:

## A PROCLAMATION.

I, Arthur William Patrick Albert, Governor General and Vice-Admiral of Canada as aforesaid, being satisfied thereof by information received by me do hereby proclaim that war has broken out between His Majesty and the German Empire and between His Majesty and the Austro-Hungarian Monarchy.

At Government House, in the City of Ottawa, this nineteenth day of August, in the year of Our Lord one thousand nine hundred and fourteen.

ARTHUR.

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No. 39

*Supplement to the London Gazette of 18th August 1914—20th August, 1914.*

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**Order of His Majesty in Council respecting Prize Courts.**

AT THE COURT AT BUCKINGHAM PALACE, THE 20<sup>TH</sup>  
DAY OF AUGUST, 1914.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS on the fourth day of August, one thousand nine hundred and fourteen, a state of war came into existence between this country and the German Empire.

AND WHEREAS by His Majesty's Order in Council of the fifth day of August, one thousand nine hundred and fourteen, the issue of a Commission was ordered authorizing the Commissioners for executing the Office of Lord High Admiral to require His Majesty's High Court of Justice to take cognizance of prize matters arising out of the said war.

AND WHEREAS a state of war now also exists between this country and the Dual Monarchy of Austria-Hungary, so that His Majesty's fleets and ships may lawfully seize all ships, vessels, and goods belonging to the said Dual Monarchy, or the



citizens and subjects thereof, or other persons inhabiting within any of the countries, territories, or dominions of the said Dual Monarchy, and bring the same to judgment in such Courts of Admiralty within His Majesty's Dominions, Possessions, or Colonies as shall be duly commissioned to take cognizance thereof.

HIS MAJESTY is therefore pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that a Commission in the form of the draft annexed hereto shall issue under the Great Seal of the United Kingdom authorizing the said Commissioners for executing the Office of Lord High Admiral to will and require His Majesty's High Court of Justice and the Judges thereof to take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes, and reprisals of all ships, vessels, and goods that are or shall be taken, and to hear and determine the same; and according to the course of Admiralty and the Law of Nations, and the Statutes, Rules, and Regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels, and goods as shall belong to the Dual Monarchy of Austria-Hungary, or the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories, or dominions of the said Dual Monarchy as well as the ships, vessels, and goods belonging to the German Empire or to the citizens or subjects thereof or to any other persons inhabiting within any of the countries, territories, or dominions of the said German Empire.

ALMERIC FITZROY.

George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

To Our right trusty and well-beloved Right Honourable Winston Leonard Spencer-Churchill, M.P., Admiral H.S.H. Prince Louis Alexander of Battenburg, G.C.B., G.C.V.O., K.C.M.G., A.D.C., Vice-Admiral Sir Frederick Tower Hamilton, K.C.B., C.V.O., Rear-Admiral Archibald Gordon Henry Wilson Moore, C.V.O., C.B., Captain Cecil Foley Lambert, R.N., the Right Honourable George Lambert, M.P., and the Right Honourable Sir Francis John Stephens Hopwood, G.C.M.G., K.C.B., Our Commissioners for executing the Office of

Lord High Admiral of Our United Kingdom of Great Britain and Ireland and the Dominions thereunto belonging, and to Our Commissioners for executing that Office for the time being, GREETING:

WHEREAS on the fourth day of August, one thousand nine hundred and fourteen, a state of war came into existence between this country and the German Empire.

AND WHEREAS by Our Commission under the Great Seal of the United Kingdom, dated the sixth day of August, one thousand nine hundred and fourteen, We did authorize and enjoin you, Our said Commissioners, to require Our High Court of Justice to take cognizance of prize matters arising out of the said war.

AND WHEREAS a state of war now also exists between this country and the Dual Monarchy of Austria-Hungary so that Our fleets and ships may lawfully seize all ships, vessels, and goods belonging to the said Dual Monarchy or the citizens and subjects thereof, or other persons inhabiting within any of the countries, territories, or dominions of the said Dual Monarchy and bring the same to judgment in such Courts of Admiralty within Our Dominions, Possessions, or Colonies as shall be duly commissioned to take cognizance thereof.

These are therefore to authorize, and We do hereby authorize and enjoin you, Our said Commissioners, now and for the time being, or any two or more of you, in addition to and in extension of the Warrant already given by you under Our said Commission of the sixth day of August, one thousand nine hundred and fourteen, to will and require Our High Court of Justice and the Judges thereof, and the said High Court and the Judges thereof are hereby authorized and required to take cognizance of and judicially to proceed upon all and all manner of captures, seizures, prizes, and reprisals of all ships, vessels, and goods already seized and taken, and which hereafter shall be seized and taken, and to hear and determine the same, and according to the course of Admiralty and the Law of Nations, and the Statutes, Rules and Regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels, and goods as shall belong to the Dual Monarchy of Austria-Hungary or to the citizens or subjects thereof or to any other persons inhabiting within any of the countries, territories or dominions of the said Dual Monarchy, as well as the ships, ves-

sels, and goods belonging to the German Empire or to the citizens or subjects thereof or to any other persons inhabiting within any of the countries, territories, or dominions of the said German Empire.

In witness whereof, We have caused the Great Seal of the United Kingdom to be put and affixed to these presents.

Given at Our Court at Buckingham Palace, this twentieth day of August, in the year of Our Lord, one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

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### No. 40

*Canada Gazette, 7th November, 1914.*

*Supplement to the London Gazette of 21st August, 1914—22nd August, 1914.*

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### Order of His Majesty in Council making additions and modifications in the Declaration of London.

AT THE COURT AT BUCKINGHAM PALACE, THE 20<sup>TH</sup>  
DAY OF AUGUST, 1914.

#### PRESENT:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS during the present hostilities the Naval Forces of His Majesty will co-operate with the French and Russian Naval Forces, and

WHEREAS it is desirable that the naval operations of the allied forces so far as they affect neutral ships and commerce should be conducted on similar principles, and

WHEREAS the Governments of France and Russia have informed His Majesty's Government that during the present hostilities it is their intention to act in accordance with the provisions of the Convention known as the Declaration of London,\* signed on the 26th day of February, 1909, so far as may be practicable.

NOW THEREFORE, His Majesty by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered,

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\*See Appendix D.



that during the present hostilities the Convention known as the Declaration of London shall, subject to the following additions and modifications, be adopted and put in force by His Majesty's Government as if the same had been ratified by His Majesty:—

The additions and modifications are as follows:

(1) The lists of absolute and conditional contraband contained in the Proclamation dated August 4th, 1914, shall be substituted for the lists contained in Articles 22 and 24 of the said Declaration.

(2) A neutral vessel which succeeded in carrying contraband to the enemy with false papers may be detained for having carried such contraband if she is encountered before she has completed her return voyage.

(3) The destination referred to in Article 33 may be inferred from any sufficient evidence, and (in addition to the presumption laid down in Article 34) shall be presumed to exist if the goods are consigned to or for an agent of the Enemy State or to or for a merchant or other person under the control of the authorities of the Enemy State.

(4) The existence of a blockade shall be presumed to be known—

(a) to all ships which sailed from or touched at an enemy port a sufficient time after the notification of the blockade to the local authorities to have enabled the enemy Government to make known the existence of the blockade.

(b) to all ships which sailed from or touched at a British or allied port after the publication of the declaration of blockade.

(5) Notwithstanding the provisions of Article 35 of the said Declaration, conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture to whatever port the vessel is bound and at whatever port the cargo is to be discharged.

(6) The General Report of the drafting Committee on the said Declaration presented to the Naval Conference, and adopted by the Conference at the eleventh plenary meeting on February 25th, 1909, shall be considered by all Prize Courts as an authoritative statement of the meaning and intention of the said Declaration, and such Courts shall construe and interpret the

provisions of the said Declaration by the light of the commentary given therein.

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, Officers and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

(SGD.) ALMERIC FITZROY.

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No. 41

*The London Gazette, 21st August, 1914.*

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Notice of French Declaration of Contraband of War.\*

[28876]

FOREIGN OFFICE, August 20th, 1914.

His Majesty's Secretary of State for Foreign Affairs has received from His Majesty's Ambassador at Paris the text of a Declaration issued by the French Government specifying the articles which they intend to treat as contraband of war, whether as absolute or as conditional contraband, during the hostilities now in progress. The articles are the same as those which are specified in the Schedules annexed to the King's Proclamation published in the Supplement to the *London Gazette* of the 4th instant.

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\*See Appendix D.

## No. 42

*Extra Canada Gazette, August 22nd, 1914.*

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**Proceedings on prorogation of war session.**

**CHAMBER OF THE SENATE.**

OTTAWA, Saturday, 22nd August, 1914.

This day at FOUR o'clock P.M., His Royal Highness the Governor General proceeded in state to the Senate Chamber, and took his seat upon the Throne. The Members of the Senate being assembled, His Royal Highness was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in His Majesty's name, by His Royal Highness the Governor General, viz:—

1. An Act to conserve the Commercial and Financial interests of Canada.
2. An Act to confer certain powers upon the Governor in Council and to amend the Immigration Act.
3. An Act respecting Dominion Notes.
4. An Act to amend the Customs Tariff, 1907.
5. An Act to amend the Inland Revenue Act.
6. An Act to amend the Naturalization Act.
7. An Act to incorporate the Canadian Patriotic Fund.
8. An Act for granting to His Majesty aid for military and naval defence.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:—

“In His Majesty's name, His Royal Highness the Governor General doth assent to these Bills.”

After which His Royal Highness the Governor General was pleased to close the Fourth Session of the Twelfth Parliament of the Dominion of Canada with the following

**SPEECH:**

*Honourable Gentlemen of the Senate:*

*Gentlemen of the House of Commons:*

I thank you for the prompt and effective consideration which you have given to measures necessary for assuring the



defence of the country, for conserving the interests of our people and for maintaining the integrity of the Empire in the present emergency. It is my fervent hope and my confident anticipation that these measures will prove adequate in every way for the great purposes which they are designed to fulfil.

*Gentlemen of the House of Commons:*

I thank you in His Majesty's name for the liberal provision which you have made for the needs of the country in the grave conditions which have arisen through the outbreak of war.

*Honourable Gentlemen of the Senate:*

*Gentlemen of the House of Commons:*

In relieving you for the time being from the important and responsible duties to which you were summoned so suddenly and unexpectedly, I commend to the Divine protection the people of this Dominion in the firm trust that the future will continually grow brighter and that there will be a favourable and honourable issue from the war in which the Empire is now involved.

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**No. 43**

*Extra Canada Gazette, August 22nd, 1914.*

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**Order in Council respecting the prohibition of exportation of certain commodities.**

[2192]

**AT THE GOVERNMENT HOUSE AT OTTAWA.**

**Saturday, the 22nd day of August, 1914.**

**PRESENT:**

**HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.**

**WHEREAS** it appears expedient to permit the exportation of Cotton Waste from Canada,

**THEREFORE** His Royal Highness the Governor General in Council is pleased to order that the Order in Council of the 7th

August, 1914, prohibiting the exportation from Canada of certain articles to any places other than the United Kingdom or any British Possession, be amended by striking out of the list of articles so prohibited by the said Order in Council the words, "Cotton Waste."

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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No. 44

*Extra Canada Gazette, August 22nd, 1914.*

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**Proclamation respecting Prize Court Rules.**

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in any wise concern,—Greeting:

A PROCLAMATION.

W. STUART EDWARDS,  
Acting Deputy Minister of Justice,  
Canada.

<p>WHEREAS in and by section 3 of an Act passed by the Parliament of the United Kingdom of Great Britain and Ireland in the session thereof held in the fifty-seventh and fifty-eighth years of the reign of Her late Majesty Queen Victoria and intituled "An Act to make further provisions for the establishment of Prize Courts and for other purposes connected therewith," it was in effect enacted that Her late Majesty the Queen in Council might make rules of court, for regulating subject to the provisions of the Naval Prize Act, 1864, and the said Act, the procedure and practice of prize courts within the meaning of that Act, and the duties and conduct of the officers thereof, and of the practi-</p>	}	<p>tion of the officers thereof, and of the practi-</p>
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tioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges and expenses to be allowed to the practitioners therein;

AND WHEREAS by an Imperial Order in Council bearing date the fifth day of August, 1914, certain rules and orders of practice and procedure in Prize Courts, which may be cited as the Prize Court Rules, 1914, were established, and Order XLVI of the said Prize Court Rules, provided that so far as such rules and orders apply to any Court in a British possession outside the United Kingdom, they should not come into operation until they are proclaimed in the possession by the Governor thereof;

AND WHEREAS it is expedient and Our Privy Council for Canada has advised that a proclamation do issue bringing the said Prize Court Rules, 1914, into force,—

Now KNOW YE that by and with the advice of Our Privy Council for Canada we do hereby proclaim and declare that the said Prize Court Rules, 1914, shall come into force and effect upon, from and after the date of this Our proclamation.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice, and govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom); Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; one of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian



Order; Our Personal Aide-de-Camp; Governor General and Commander in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this twenty-second day of August, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By command,

P. PELLETIER,

9-3

Acting Under-Secretary of State.

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**No. 45**

*Supplement to the London Gazette of 28th August, 1914—  
28th August, 1914.*

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**Order of His Majesty in Council respecting the distribution of Prize money.**

**AT THE COURT AT BUCKINGHAM PALACE, THE 28TH DAY  
OF AUGUST, 1914.**

**PRESENT:**

**THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.**

WHEREAS there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 26th day of August, 1914, in the words following, viz:—

“WHEREAS Her late Majesty Queen Victoria was graciously pleased by Her Royal Proclamation of the 17th day of September, 1900, to regulate, according to the Scheme set forth therein or recognized thereby, the distribution of the net proceeds of Prizes captured from the enemy, of captures and seizures under the several Acts of Parliament passed relating to the Revenues of Customs, and to Trade and Navigation, for the abolition of the Slave Trade, for the capture and destruction of Pirates and Piratical Vessels, and of the rewards conferred for the same, as also, of the awards for all salvage granted to the crews of Your Majesty's Ships and Vessels of War, when

not otherwise specially apportioned by the terms of the respective awards and allowances.

"AND WHEREAS we are of opinion that the conditions governing the distribution of the proceeds of Prizes captured from the enemy when such proceeds are granted by Your Majesty to the Officers and Men of Your Majesty's Fleet, require modification to bring them into accord with modern conditions.

"AND WHEREAS it is intended that in lieu of the system of distribution of Prize Money described in the above-mentioned Proclamation there should be substituted, under regulations and conditions to be hereafter announced, a system of Prize Bounties or Gratuities for more general distribution to the Officers and Men of Your Majesty's Naval Forces.

"WE humbly beg leave to recommend that Your Majesty will be graciously pleased, by Your Order in Council, to cancel so much of the above-mentioned Proclamation as relates to the distribution of the net proceeds of Prizes captured from the enemy."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

ALMERIC FITZROY.

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No. 46

*The London Gazette, 1st September, 1914.*

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**Notice of Japanese blockade of Kiao-Chau.**

FOREIGN OFFICE, August 29th, 1914.

The Secretary of State for Foreign Affairs has received from His Excellency the Japanese Ambassador the text of a declaration issued on the 27th instant by the Imperial Japanese Naval Authorities, announcing the establishment on that date of a blockade of the whole of the littoral of the leased territory of Kiao-Chau.

The coastline affected extends from a point 120° 10' East, and 35° 54' North, to a point 120° 36' East and 36° 7' North.

A period of twenty-four hours was allowed within which vessels of allied or neutral States might leave the blockaded area.

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No. 47

*Canada Gazette, 5th September, 1914.*

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**Order in Council appointing officers under Prize Court Rules.**

[2242]

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor General on the 29th August, 1914.

The Committee of the Privy Council, on the recommendation of the Minister of Justice, advise that Edmund Leslie Newcombe, K.C., C.M.G., Deputy Minister of Justice, be appointed to be the proper officer of the Crown defined in Rule I of Order I of the Prize Court Rules, 1914, which were brought into force and effect by the Proclamation of Your Royal Highness dated the 22nd day of August, 1914.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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No. 48

*The London Gazette, 4th September, 1914.*

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**Announcement of French Decree respecting the Declaration of London.**

FOREIGN OFFICE, September 1st, 1914.

The Secretary of State for Foreign Affairs has received from His Majesty's Ambassador at Paris the text of a Decree signed by the President of the French Republic on the 25th ultimo,



giving effect to the provisions of the Declaration of London, with certain modifications, during the course of the hostilities now in progress.

The tenour of this Decree is substantially the same as that of His Majesty's Order in Council of the 20th ultimo, which was published in the *Supplementary London Gazette* of the 22nd idem.

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### No. 49

*Extra Canada Gazette, 2nd September, 1914.*

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#### Notice to alien enemies.

#### PUBLIC NOTICE.

OTTAWA, September 2nd, 1914.

#### *To all whom it may Concern:*

It has come to the attention of the Government that many persons of German and Austro-Hungarian nationality who are residents of Canada are apprehensive for their safety at the present time. In particular the suggestion seems to be that they fear some action on the part of the Government which might deprive them of their freedom to hold property or to carry on business. These apprehensions, if they exist, are quite unfounded.

The policy of the Government is embodied in a Proclamation published in *The Canada Gazette* on 15th August. In accordance with this Proclamation restrictive measures will be taken only in cases where officers, soldiers or reservists of the German Empire or of the Austro-Hungarian Monarchy attempt to leave Canada or where subjects of such nationalities engage or attempt to engage in espionage or acts of a hostile nature or to give information to or otherwise assist the King's enemies. Even where persons are arrested or detained on the grounds indicated they may be released on signing an undertaking to abstain from acts injurious to the Dominion or the Empire.

The Proclamation after stating that "there are many persons of German and Austro-Hungarian nationality quietly pursuing their usual avocations in various parts of Canada and that it is desirable that such persons should be allowed to continue in such avocations without interruption," directs as follows:—

"That all persons in Canada of German or Austro-Hungarian nationality, so long as they quietly pursue their ordinary avocations be allowed to continue to enjoy the protection of the law and be accorded the respect and consideration due to peaceful and law-abiding citizens; and that they be not arrested, detained or interfered with, unless there is reasonable ground to believe that they are engaged in espionage, or engaging or attempting to engage in acts of a hostile nature, or are giving or attempting to give information to the enemy, or unless they otherwise contravene any law, order in council or proclamation."

Thus all such persons so long as they respect the law are entitled to its protection and have nothing to fear.

JOSEPH POPE,

Under Secretary of State for  
External Affairs.

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No. 50

*Canada Gazette, 5th September, 1914.*

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Proclamation under "An Act to conserve the commercial and financial interests of Canada."

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern,—Greeting:—

## A PROCLAMATION.

E. L. NEWCOMBE,  
Deputy Minister of Justice, } WHEREAS for the purposes  
Canada. } set forth in an order of Our  
Governor in Council bearing  
date the third day of August, 1914, advances to chartered  
banks in the form of an issue of Dominion notes were author-  
ized to be made against deposits by the banks with Our Minister  
of Finance of Canada of such securities as might be approved by  
Our said Minister, such advances to be repayable not later  
than the first day of May, 1915, with interest at a rate to be  
approved by Our said Minister, not less than five per cent per  
annum;

AND WHEREAS under the authority of a further order of  
Our Governor in Council of the same date, the chartered banks  
were authorized to make payment in bank notes instead of gold  
or Dominion notes until further official announcement in that  
behalf, and were also authorized to issue from the date of the  
said Order in Council and until further official announcement,  
excess circulation to amounts not exceeding fifteen per cent,  
of the combined unimpaired capital and rest or reserve fund of  
the respective banks, as stated in their respective statutory  
monthly returns to Our said Minister of Finance for the month  
immediately preceding that in which the additional amount is  
issued;

AND WHEREAS under the authority of a further order of  
Our Governor in Council bearing date the tenth day of August,  
A.D. 1914, the redeeming in specie of Dominion notes was sus-  
pended;

AND WHEREAS by section 3 of an Act of the Parliament of  
Canada passed in the present year of Our Reign and intituled  
"An Act to conserve the Commercial and Financial Interests  
of Canada," \*the issue of Dominion notes and all things done  
under the provisions of the said Orders in Council were con-  
firmed, and it was provided that the said Orders in Council  
should continue in force until the 15th day of September, 1914,  
provided however that Our Governor in Council might at any  
time by a Proclamation published in Our *Canada Gazette* re-  
voke the said Orders in Council or any of them, or any of the  
provisions in the said orders contained, but that such revoca-

\*See Appendix E.



tion should not affect the previous operation of any such order or anything duly done thereunder or affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder;

AND WHEREAS in and by section 4 of the said Act it was provided amongst other things that in case of war, invasion, riot or insurrection, real or apprehended, and in case of any real or apprehended financial crisis, Our Governor in Council might by Proclamation published in the *Canada Gazette*:—

- (a) authorize the making of advances to the chartered banks and to the savings banks to which The Quebec Savings Banks Act, 1913, applies, by the issue of Dominion notes upon the pledge of securities, deposited with Our said Minister, of such kind and amount as may be approved by the Treasury Board; such advances to be repayable at such times as the Board may determine with interest at a rate likewise determined by the Board of not less than five per cent per annum;
- (b) authorize the chartered banks to make payments in the bank notes issued by such banks instead of in gold or Dominion notes, but the total amount of the notes of any chartered bank in circulation at any time shall not exceed the amount of its notes issuable under the provisions of the Bank Act and of the next clause (c);
- (c) authorize the several chartered banks to issue excess circulation, from and including the first day of March in any year, to and including the last day of August next ensuing, or during any part of such period, to amounts not exceeding fifteen per cent, of the combined unimpaired capital and rest or reserve fund of the respective banks, as stated in their respective statutory monthly returns to Our said Minister for the month immediately preceding that in which the additional amount is issued;
- (d) suspend the redemption in gold of Dominion notes.

Now KNOW YE that by and with the advice of Our Privy Council for Canada We do by these presents proclaim and direct that by and on the date of the publication of this Our Proclamation in the *Canada Gazette*, the said Orders in Council

shall be revoked; and We do further by these presents declare and proclaim as follows, that:—

- (a) the making of advances to the chartered banks, and to the savings banks to which The Quebec Savings Banks Act, 1913, applies, by the issue of Dominion notes upon the pledge of securities as provided in the said Act, be authorized;
- (b) the chartered banks be authorized, subject to the provisions and limitations set forth in the said Act to make payments in the bank notes issued by such banks instead of in gold or Dominion notes;
- (c) the several chartered banks be authorized to issue excess circulation as in the said Act defined from and including the first day of March, 1915, to and including the last day of August, 1915; and
- (d) the redemption in gold of Dominion notes by the Receiver-General of Canada be suspended subject to the provisions of the said Act from the date of the publication of this Our Proclamation in the *Canada Gazette*.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Most Dear and Entirely beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom), Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; one of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand

Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General of Canada.

At Our Government House, in our City of Ottawa, this Third day of September, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By command,

P. PELLETIER,

Acting Under-Secretary of State.

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**No. 51**

*Canada Gazette, 5th September, 1914.*

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**Order in Council prohibiting the use or possession of fire arms or explosives by alien enemies.\***

[2283]

**AT THE GOVERNMENT HOUSE AT OTTAWA.**

Thursday, the 3rd day of September, 1914.

**PRESENT:**

**HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.**

His Royal Highness the Governor General in Council, under and in virtue of the provisions of section 6 of The War Measures Act, 1914, is pleased to make and doth hereby make the following Orders and Regulations for prevention of the use or possession of fire-arms, ammunition, dynamite, gunpowder or other dangerous explosive, within Canada, by alien enemies:—

1. The possession of fire-arms, or any ammunition therefor, or of any dynamite, gunpowder or other dangerous explosive, within Canada by any alien enemy, is prohibited.

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\*See Orders in Council and Proclamations pages 34, 41, 48, 78, 126, 178.



2. It shall be the duty of every such person within Canada having in his possession or upon his premises any fire-arms or any ammunition therefor, or any dynamite, gunpowder or other dangerous explosive, within ten days from the publication of this ordinance in the *Canada Gazette*, to cause such fire-arms, ammunition, dynamite, gunpowder or other dangerous explosive, to be delivered to a justice of the peace residing in or near the locality where such fire-arms, ammunition, dynamite, gunpowder or other dangerous explosive are so had in possession or to an officer or constable of the Royal North West Mounted Police.

3. Any justice of the peace or any such officer or constable receiving any such fire-arms, ammunition, dynamite, gunpowder or other dangerous explosive, shall give to the person delivering the same a receipt therefor, and shall report the fact to the Chief Commissioner of Dominion Police or to the Commissioner of the Royal North West Mounted Police, under whose direction the property so delivered shall be retained or otherwise disposed of.

4. If any alien enemy within Canada is reasonably suspected to have in his possession or upon his premises any fire-arms, or ammunition therefor, dynamite, gunpowder, or other dangerous explosive, he may be searched, or his premises, or any place occupied or believed to be occupied by him, may be searched by any peace officer or by any officer or constable of the Royal North West Mounted Police without warrant, and if any fire-arms, ammunition, dynamite, gunpowder or other dangerous explosive be found upon the person or premises of any such alien enemy, or in any such place as aforesaid, the same shall be seized, and if such search and seizure shall have taken place after the expiration of the period of ten days hereinbefore mentioned, the property so seized may be forfeited to the Crown, and the person upon whom or upon whose premises or in whose possession any such fire-arms, ammunition, dynamite, gunpowder or other dangerous explosive are found shall further be liable to a penalty not exceeding five hundred dollars, or to imprisonment for any term not exceeding three months.

5. It shall be an offence for any person to give, sell, hire, lease or transfer possession of any fire-arms, ammunition, dynamite, gunpowder or other dangerous explosive to any alien enemy, and any person guilty of any such offence shall be liable

to a penalty not exceeding one hundred dollars or to imprisonment for any term not exceeding one month.

6. Any offence declared and any penalty or forfeiture imposed or authorized by this ordinance may be prosecuted, recovered or enforced by summary proceedings and conviction under the provisions of Part XV of the Criminal Code.

7. If any question arises under this ordinance, or in any proceeding instituted thereunder, or with reference to anything done or proposed to be done under the authority thereof, as to whether any person is an alien enemy the onus of proving that any person so suspected or charged is not an alien enemy shall lie upon the accused in such proceeding.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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No. 52

*Canada Gazette 12th September, 1914.*

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Notice to persons interested in cargoes on ships captured as prizes.

PRIZE COURTS.

OFFICE OF THE DEPUTY MINISTER OF JUSTICE OF CANADA,  
PARLIAMENT BUILDINGS, OTTAWA.

*(Registry of the Prize Court in Canada.)*

4th September, 1914.

All persons having any interest in cargoes other than enemy cargoes laden on enemy ships captured as prizes and requiring a release of such cargoes or portion of cargoes, should make enquiries in Ottawa at the offices of the proper Officer of the Crown, East Block, and at the outports of the Dominion of Canada at the offices of the agents for the proper Officer of the Crown, whose addresses can be obtained from the collectors of Customs at such outports.

The proper Officer of the Crown will require proof of ownership and particulars as to freight, whether paid or unpaid.

No. 53

*Extra Canada Gazette 21st September, 1914.*

**Despatch covering regulations respecting war risks.**

CANADA.

No. 675.

DOWNING STREET, 4th September, 1914.

SIR,—With reference to my despatch No. 602 of the 6th August, I have the honour to transmit to Your Royal Highness, for the information of your Ministers, copies of an explanatory memorandum (as revised the 25th August) issued by the War Risks Insurance Office regarding Cargo Insurances.

I have the honour to be,

Sir,

Your Royal Highness's most obedient,  
humble servant,

(S'd) L. HARCOURT.

Governor General

His Royal Highness

The Duke of Connaught and of Strathearn, K.G., K.T.,  
K.P., G.C.B., G.C.I.E., G.C.M.G., G.C.S.I., G.C.V.O.,  
&c., &c., &c.

WAR RISKS INSURANCE OFFICE,

CANNON STREET HOTEL, LONDON, E.C.

CARGO INSURANCES ONLY.

EXPLANATORY MEMORANDUM.

*As revised 25th August, 1914.*

1. The only risks which are covered by the Government War Risks Insurance office are King's Enemy War Risks, in terms of clause 2 in the policy, of which the following is a copy:

"This Insurance is only to cover the risks of Capture, Seizure and Detainment by the King's Enemies and the



consequences thereof, or any attempt thereat, and all consequences of hostilities or warlike operations by or against the King's Enemies, whether before or after declaration of war."

2. Cargo only is insured. The insurance is undertaken subject more particularly to the following conditions:—

(a) That any cargo may be insured which is not enemy property, or goods the transport of which is prohibited by proclamation or otherwise restricted;

(b) That the cargo is carried on a British steamer which is entered in one of the undermentioned War Risks Associations approved by the Government, and that a war-risks policy has been taken out on the vessel covering the voyage in question under the Government Scheme for the re-insurance of hulls; and

(c) That the voyage is not one which is prohibited by the Admiralty.

3. It rests with the applicant to satisfy himself that the conditions mentioned in paragraph 2 are complied with; the warranties in the policy which deal with these and other points should be carefully considered.

4. The approved War Risks Associations above referred to are:—

- (1) The North of England Protecting and Indemnity Association, Collingwood Buildings, Newcastle-on-Tyne.
- (2) The Liverpool and London War Risks Insurance Association, Limited, 10, Water Street, Liverpool.
- (3) The London Group of War Risks Association, 24, St. Mary Axe, E. C.

This group comprises the following:—

Britannia Steam Ship Insurance Association, Limited; Tindall, Riley & Co. (Managers), 17, Gracechurch Street, E.C.

London Steam Ship Owners' Mutual Insurance Association, Limited; A. Bilbrough & Co. (Managers), 23, Rood Lane, E.C.

Newcastle War Risks Indemnity Association, Limited; E. S. Scorfield & James Ferguson (Managers), 4, Queen's Street, Newcastle-on-Tyne.

Standard Steamship Owners' Mutual War Risks Association, Limited; Charles Taylor & Co. (Managers), 9, Fenchurch Avenue, E.C.

Sunderland Steamship Mutual War Risks Association, Limited; J. Rutherford & Son (Managers), 45, West Sunnyside, Sunderland.

United Kingdom Mutual War Risks Association, Limited; T. R. Miller & Son (Managers), 24, St. Mary Axe, E.C.

West of England Mutual War Risks Association, Limited; John Holman & Sons (Managers), 1, Lloyds Avenue, E.C.

The great majority of British steamers are entered in one or other of these Associations.

5. As a general rule, cargo carried on a vessel which has already sailed cannot be insured under the Government Scheme, but the War Risks Insurance Office is, notwithstanding, authorized to consider applications for the insurance of cargo on a vessel which has already sailed or can be warranted safe at a port of call or at some point on her voyage.

6. The premium is charged at a flat rate irrespective of the voyage or of the character of the cargo insured. Any alteration in the rate will be announced in the Press.

7. If, for any reason which the Committee consider sufficient, the goods or any portion of them are not shipped by the vessel by which they were insured, the insurance effected may be cancelled so far as short interest is concerned.

8. All applications for cancelment or return of premium must be made on the forms specially provided for that purpose. Such applications should be accompanied by a statement of reasons and supporting evidence, together with the stamped slip and policy.

In the case of claim for partial cancelment the marine policy should be produced.

Where the application for cancelment or return is consequent on war risk insurance previously effected elsewhere, the slip and policy relating to the other insurance must be produced.

9. Cargo insured against King's Enemy War Risks under the Government Scheme must also be covered by approved

marine insurance policies as defined in paragraph 10. These marine policies must be produced at the War Risks Insurance Office when required, in proof of values, but this will possibly not be necessary except in the event of a loss or claim. In the case of cargoes insured against marine risks by policies issued on or after the 5th August, 1914, the insurance will, in the absence of any special agreement otherwise, be deemed sufficient for the purposes of the Government Scheme, so long as not less than 70 per cent of the value be covered under approved marine insurance policies. This rule does not apply to policies issued before the outbreak of war, so long as such policies shall afford sufficient proof of values.

10. Marine insurance policies will be accepted by the War Risks Insurance Office as evidence of values under the foregoing paragraph, if issued by Members of Lloyd's, British Insurance Companies, or other approved Underwriters or Insurance Companies, as follows:—

- (a) All policies (whether enemy or other) issued previous to the outbreak of war, *i.e.*, signed and dated prior to and including the 4th August, will be accepted; and
- (b) All policies of recognized British or alien Companies or Underwriters (other than enemy) issued on or after the outbreak of war will be accepted. This does not authorize the acceptance of policies, whether British or alien, issued by trading or other firms not coming within the general scope of recognised Underwriting Associations.

Applicants for insurance of cargo under the Government Scheme, if in doubt as to the admisibility of their marine insurance policies under the foregoing rules, should, when submitting their proposals for insurance, produce the marine policies for consideration, and, in case of need, endorsement, if approved.

11. Where the insurance is described on the slip as "Provisional," this refers to the amount insured only, and not to the insurance as a whole.

The premium on the whole amount must in all cases be paid in the first instance, subject to any such refund as may be subsequently substantiated.



12. The Committee are prepared, in certain circumstances, to consider applications for the issue of open policies.

13. No interior or land risks are taken by the War Risk Insurance Office.

14. The brokerage to be deducted should be calculated at the rate of one shilling per guinea of premium. No discount is allowed.

15. It rests on applicants to see that the information and calculations appearing on the application slip shall be in all respects correct.

16. The reference to "stamp" printed on the slip may be disregarded; the policy will be stamped by the Inland Revenue Authorities without further charge.

17. Cheques must be made payable to the "War Risks Office," and crossed "Bank of England."

18. Applicants desiring to retain at their own risk a portion of the war risk, insuring the remainder under the Government Scheme, may so retain up to, but not exceeding, 50 per cent of the declared value, but with the reservation that whatever be the proportion so retained at the inception of the risk, it shall be retained at the risk of the assured until its termination. In such cases the total value of the interest at risk must be declared on the application slip for insertion in the policy.

The foregoing does not preclude the assured from insuring with approved Underwriters or Insurance Companies any portion of the war risk not placed with the War Risks Insurance Office, provided that such insurance be effected not later than the insurance with the War Risks Insurance Office.

19. The value for the purpose of insurance against war risks must not exceed the value for insurance against sea risks.

20. The premium in force at the time the insurance was effected cannot, unless in the case provided for in clause 1 of the policy, be afterwards reduced or increased.

21. Payment of admitted claims will be made promptly by cheque on the Bank of England.

22. Application slips for insurance must be filled up in duplicate, one copy to be marked "Duplicate," for retention by the War Risks Insurance Office.

The premium must be paid at the time the application is handed in.

23. Copies of this Memorandum, application slips for insurance, and specimen policies are obtainable at the War Risks Insurance Office, where all applications for the insurance of cargo under the Government War Risks Insurance Scheme must be made personally by the applicant or his representative. Postal or telegraphic applications cannot be accepted.

Application slips can also be obtained at Lloyd's or at the Institute of London Underwriters, 1, St. Michael's House, Cornhill, E.C.

24. The War Risks Insurance Office is open for public business from 11 to 4 o'clock; on Saturdays from 11 to 1 o'clock.

By order of the Committee,

DOUGLAS OWEN,  
*Chairman.*

CANNON STREET HOTEL,  
LONDON, E.C.

*25th August, 1914.*

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### No. 54

*Canada Gazette, 5th September, 1914.*

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#### Notice respecting Foreign Consuls.

His Majesty the King has been pleased to order that any person being a subject of the German Empire or of the dual Monarchy of Austria-Hungary, and now being a Consular representative of any other foreign power within His Majesty's Dominions or Protectorates or within places subject to His Majesty's occupation or control, shall henceforth no longer be recognized as such Consular representative or permitted to perform any duties or act in any respect as such Consular representative within His Majesty's Dominions or Protectorates or within places subject to His Majesty's occupation or control, and His Majesty hereby withdraws accordingly all and singular the exequaturs and exequatur heretofore granted to any of such persons.

## No. 55

*Canada Gazette 12th September, 1914.*

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**Message of His Majesty the King to the Overseas Dominions.**

*From Mr. Harcourt to His Royal Highness the Governor General.*

LONDON, 8th September, 1914.

*By telegraph.*

THE KING has been graciously pleased to send the following message to the Governments and peoples of His Self-Governing Dominions:—

*To the Governments and Peoples of my Self-Governing Dominions.*

During the past few weeks the Peoples of my whole Empire at home and overseas have moved with one mind and purpose to confront and overthrow an unparalleled assault upon the continuity of civilization and the peace of mankind. The calamitous conflict is not of my seeking. My voice has been cast throughout on the side of peace. My ministers earnestly strove to allay the causes of strife and to appease differences with which my Empire was not concerned. Had I stood aside when in defiance of pledges to which my Kingdom was a party, when the soil of Belgium was violated and her cities laid desolate, when the very life of the French Nation was threatened with extinction, I should have sacrificed my honour and given to destruction the liberties of my Empire and of mankind. I rejoice that every part of the Empire is with me in this decision.

Paramount regard for treaty faith and the pledged word of rulers and peoples is the common heritage of Great Britain and of the Empire.

My Peoples in the Self-Governing Dominions have shown beyond all doubt that they whole-heartedly endorse the grave decision which it was necessary to take.

My personal knowledge of that loyalty and devotion of my overseas Dominions has led me to expect that they would cheerfully make the great efforts and bear the great sacrifices which the present conflict entails. The full measure in which they have placed their services and resources at my disposal fills me with



gratitude, and I am proud to be able to show to the world that my peoples overseas are as determined as the people of the United Kingdom to prosecute a just cause to a successful end.

The Dominion of Canada, the Commonwealth of Australia, and the Dominion of New Zealand have placed at my disposal their naval forces which have already rendered good service for the Empire. Strong expeditionary forces are being prepared in Canada, in Australia and in New Zealand for service at the front, and the Union of South Africa has released all British troops, and has undertaken important military responsibilities, the discharge of which will be of the utmost value to the Empire. Newfoundland has doubled the numbers of its branch of the Royal Naval Reserve and is sending a body of men to take part in the operations at the front. From the Dominion and Provincial Governments of Canada large and welcome gifts of supplies are on their way for the use of both of my naval and military forces and for the relief of the distress in the United Kingdom, which must inevitably follow in the wake of war. All parts of my overseas Dominions have thus demonstrated in the most unmistakable manner the fundamental unity of the Empire amidst all its diversity of situation and circumstance.

(Signed) HARCOURT.

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### No. 56

*Extra Canada Gazette, 12th September, 1914.*

*Second Supplement to the London Gazette of 8th September, 1914—  
9th September, 1914.*

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**Proclamation respecting trading with the enemy.\***

**BY THE KING.**

### **A PROCLAMATION RELATING TO TRADING WITH THE ENEMY.**

WHEREAS a state of war has existed between us and the German Empire as from 11 p.m. on 4th August, 1914, and a

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\*See further Proclamations and Orders in Council pages 18, 39, 105, 109, 124, 136, 150, 202-205.

state of war has existed between us and the Dual Monarchy of Austria-Hungary as from midnight on 12th August, 1914;

AND WHEREAS it is contrary to law for any person resident, carrying on business or being in our Dominions, to trade or have any commercial or financial transactions with any person resident or carrying on business in the German Empire or Austria-Hungary without our permission;

AND WHEREAS by our Proclamation of the 5th August, 1914, relating to Trading with the Enemy, certain classes of transactions with the German Empire were prohibited;

AND WHEREAS by paragraph 2 of our Proclamation of the 12th August, 1914, the said Proclamation of the 5th August, 1914, was declared to be applicable to Austria-Hungary;

AND WHEREAS it is desirable to restate and extend the prohibitions contained in the former Proclamation, and for that purpose to revoke the Proclamation of the 5th August, 1914, and paragraph 2 of the Proclamation of the 12th August, 1914, and to substitute this Proclamation therefor;

AND WHEREAS it is expedient and necessary to warn all persons resident, carrying on business or being in our Dominions, of their duties and obligations towards us, our Crown, and Government,—

NOW, THEREFORE, we have thought fit, by and with the advice of our Privy Council, to issue this our Royal Proclamation declaring and it is hereby declared as follows:—

1. The aforesaid Proclamation of the 5th August, 1914, relating to Trading with the Enemy, and paragraph 2 of the aforesaid Proclamation of the 12th August, 1914, together with any public announcement officially issued in explanation thereof, are hereby, as from date hereof, revoked, and from and after the date hereof, this present Proclamation is substituted therefor.

2. The expression “enemy country” in this Proclamation means the territories of the German Empire and of the Dual Monarchy of Austria-Hungary, together with all the Colonies and Dependencies thereof.

3. The expression “enemy” in this Proclamation means any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident

nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country.

4. The expression "outbreak of war" in this Proclamation means 11 p.m. on the 4th August, 1914, in relation to the German Empire, its Colonies and Dependencies, and midnight on the 12th August, 1914, in relation to Austria-Hungary, its Colonies and Dependencies.

5. From and after the date of this Proclamation the following prohibitions shall have effect, (save so far as licenses may be issued as hereinafter provided), and we do hereby accordingly warn all persons resident, carrying on business or being in our Dominions—

- (1) Not to pay any sum of money to or for the benefit of an enemy.
- (2) Not to compromise or give security for the payment of any debt or other sum of money with or for the benefit of an enemy.
- (3) Not to act on behalf of an enemy in drawing, accepting, paying, presenting for acceptance or payment, negotiating or otherwise dealing with any negotiable instrument.
- (4) Not to accept, pay or otherwise deal with any negotiable instrument which is held by or on behalf of an enemy, provided that this prohibition shall not be deemed to be infringed by any person who has no reasonable ground for believing that the instrument is held by or on behalf of an enemy.
- (5) Not to enter into any new transaction, or complete any transaction already entered into with an enemy in any stocks, shares or other securities.
- (6) Not to make or enter into any new marine, life, fire or other policy or contract of insurance with or for the benefit of an enemy; nor to accept or give effect to any insurance of any risk arising under any policy or contract of insurance (including re-insurance) made or entered into with or for the benefit of an enemy before the outbreak of war.
- (7) Not directly or indirectly to supply to or for the use or benefit of, or obtain from, an enemy country or an



enemy, any goods, wares or merchandise, nor directly or indirectly to supply to or for the use or benefit of, or obtain from any person any goods, wares or merchandise, for or by way of transmission to or from an enemy country or an enemy, nor directly or indirectly to trade in or carry any goods, wares or merchandise destined for or coming from an enemy country or an enemy.

- (8) Not to permit any British ship to leave for, enter or communicate with, any port or place in an enemy country.
- (9) Not to enter into any commercial, financial or other contract or obligation with or for the benefit of an enemy.
- (10) Not to enter into any transactions with an enemy if and when they are prohibited by an Order in Council made and published on the recommendation of a Secretary of State, even though they would otherwise be permitted by law or by this or any other Proclamation.

And we do hereby further warn all persons that whoever in contravention of the law shall commit, aid or abet any of the aforesaid Acts, is guilty of a crime and will be liable to punishment and penalties accordingly.

6. Provided always that where an enemy has a branch locally situated in British, allied, or neutral territory, not being neutral territory in Europe, transactions by or with such branch shall not be treated as transactions by or with an enemy.

7. Nothing in this Proclamation shall be deemed to prohibit payments by or on account of enemies to persons resident, carrying on business or being in our Dominions, if such payments arise out of transactions entered into before the outbreak of war or otherwise permitted.

8. Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by our license, or by the license given on our behalf by a Secretary of State, or the Board of Trade, whether such licenses be especially granted to individuals or be announced as applying to classes of persons.

9. This Proclamation shall be called the Trading with the Enemy Proclamation, No. 2.

Given at Our Court at Buckingham Palace, this ninth day of September, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.

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**No. 57**

*Canada Gazette, 26th September, 1914.*

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**Further despatch respecting war risks.**

CANADA,  
No. 693.

DOWNING STREET,  
10th September, 1914.

SIR,—With reference to my despatch No. 675 of the 4th September, I have the honour to request your Royal Highness to inform Your Ministers that the Insurance Rates both for cargo and for ships under the Government War Risks Insurance Scheme were altered on the 1st instant as follows:—

The rate for cargo was reduced from three guineas per cent to two guineas per cent. In the case of ships the rate for a voyage was reduced from  $1\frac{1}{4}$  per cent to 1 per cent, the rate for a round voyage from  $2\frac{1}{2}$  per cent to 2 per cent, and the rate for a time policy for three months from  $2\frac{1}{2}$  per cent to 2 per cent. In addition, it was decided that a ballast voyage not exceeding 800 miles in length may be treated as forming part of the following voyage without additional premium.

I have the honour to be,

Sir,

Your Royal Highness's most obedient  
humble, servant

Governor General

L. HARCOURT.

His Royal Highness

The Duke of Connaught and  
of Strathearn, K.G., K.T., K.P.,  
etc., etc., etc.

No. 58

*Canada Gazette, 19th December, 1914.*

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**Order in Council prohibiting disclosure of movement of forces  
or military operations.**

P.C. 2358.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Saturday, the 12th day of September, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL  
IN COUNCIL

His Royal Highness the Governor General in Council under and in virtue of the Provisions of Section 6 of the War Measures Act, 1914,\* is pleased to make and doth hereby make the following orders and regulations for the prevention of the giving out of information calculated to be or that might be directly or indirectly useful to the enemy and for the prevention of espionage and generally for the security of the forces of His Majesty in Canada and the welfare of the people of Canada.

1. No person shall without lawful authority publish or communicate any information with respect to the movement or disposition of any of the forces, ships, or war materials of His Majesty or of any of His Majesty's allies, or with respect to the plans of any naval or military operations by any such forces or ships, or with respect to any works or measures undertaken for or connected with the fortification or defence of any place, if the information is such as is calculated to be or might be directly or indirectly useful to the enemy.

2. No person shall without the permission of the competent naval or military authority make any photograph, sketch, plan, model, or other representation of any naval or military work, or of any dock or harbour work in or in connection with a defended harbour, and no person in the vicinity of any such work shall without such permission have in his possession any photographic or other apparatus or other material or thing suitable for use in making any such representation.

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\*Appendix E.



For the purpose of this Regulation the expression "harbour work" includes lights, buoys, beacons, marks, and other things for the purpose of facilitating navigation in or into a harbour.

3. No person without lawful authority shall injure, or tamper or interfere with, any wire or other apparatus for transmitting telegraphic or telephonic messages, or any apparatus or contrivance intended for or capable of being used for a signalling apparatus, either visual or otherwise, or prevent or obstruct or in any manner whatsoever interfere with the sending, conveyance, or delivery of any communication by means of telegraph, telephone, or otherwise, or shall be in possession of any apparatus capable of being used for tapping messages sent by wireless telegraphy or otherwise.

4. No person shall with the intent of eliciting information for the purpose of communicating it to the enemy or for any purpose calculated to assist the enemy, give or sell to a member of any of His Majesty's forces any intoxicating liquor; and no person shall give or sell to a member of any of His Majesty's forces employed in the defence of any railway, dock, or harbour any intoxicating liquor when not on duty, with intent to make him drunk, or when on sentry or other duty, either with or without any such intent.

5. No person shall do any injury to any railway, or be upon any railway, or under or near any bridge, viaduct, or culvert over which a railway passes with intent to do injury thereto.

6. No person shall by the discharge of firearms or otherwise endanger the safety of any member of any of His Majesty's forces travelling on or guarding any railway or of any authorized person guarding any railway.

7. No person, without the permission of the competent naval or military authority, shall in the vicinity of any railway or of any dock or harbour be in possession of dynamite or any other explosive substance, but nothing in this Regulation shall be construed as affecting the possession of ammunition for sporting purposes.

8. No person in, or in the neighbourhood of, a defended harbour shall, by word of mouth or in writing, spread reports likely to create disaffection or alarm among any of His Majesty's forces or among the civilian population.

9. No person shall, if an order to that effect has not been made by the competent naval or military authority, light any

fire or show any light on any hill within such radius from any defended harbour as may be specified in the order.

10. The competent naval or military authority at any defended harbour may by order direct that all lights, other than lights not visible from the outside of any house, shall be kept extinguished between such hours and within such area as may be specified in the order; and all persons resident within that area shall comply with the order.

11. The competent naval or military authority at any defended harbour may by order require every person within any area specified in the order to remain within doors between such hours as may be specified in the order, and in such case no person shall be or remain out between such hours unless provided with a permit in writing from the competent naval or military authority or some person duly authorized by him.

12. If any person with the object of obtaining any information for the purpose of communicating it to the enemy or of assisting the enemy, or with intent to do any injury to any means of communication or to any railway, dock or harbour, forges, alters or tampers with any pass, permit or other document, or uses or has in his possession any such forged, altered or irregular pass, permit, or document with the like object or intent, or with the like object or intent personates any person to whom a pass, permit, or other document has been duly issued, he shall be guilty of a contravention of these Regulations and may be tried and punished accordingly; and where in any proceedings against a person for contravention of this Regulation it is proved that he has forged, altered, or tampered with the pass, permit, or other document in question, or has used or had in his possession the forged, altered, or irregular pass, permit, or document in question, or has personated the person to whom the pass, permit, or document was duly issued, he shall be presumed to have forged, altered, or tampered with it, or to have used or had it in his possession, or to have personated such person as aforesaid, with such object or intent as aforesaid unless he proves the contrary.

13. Any person who attempts to commit, or procures, aids or abets the commission of any act prohibited by the foregoing special Regulations, or harbours any person whom he knows, or has reasonable grounds for supposing, to have acted in

contravention of such Regulations, shall be deemed to have acted in contravention of the Regulations in like manner as if he had himself committed the act.

14. No person shall without lawful authority sell, give, distribute or permit the selling, giving or distributing of any newspaper, tract or pamphlet or other publication, whether printed or published in Canada or not, containing any information which is forbidden to be published or communicated under paragraph One of these orders and regulations.

15. Any person contravening any of the provisions of the foregoing orders and regulations shall be liable to a penalty not exceeding Five Thousand Dollars or imprisonment for any term not exceeding five years or to both fine and imprisonment and such penalty may be recovered or enforced by summary proceedings and conviction under the provisions of Part 15 of the Criminal Code.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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**No. 59**

*Canada Gazette, 10th October, 1914.*

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**Order in Council respecting Aerial Navigation.**

[2389]

**AT THE GOVERNMENT HOUSE AT OTTAWA.**

**Thursday, the 17th day of September, 1914.**

**PRESENT:**

**HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.**

HIS ROYAL HIGHNESS the Governor General in Council, under and in virtue of the provisions of section 6 of The War Measures Act, 1914,\* is pleased to make and doth hereby make the following Orders and Regulations respecting Aerial Navigation.

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\*Appendix E.



1. No person shall navigate or be carried in aircraft of any class or description over or within ten miles of any of the following places, namely:—

Halifax and Sydney, in the Province of Nova Scotia;

St. John and Fredericton, in the Province of New Brunswick;

Quebec, St. Jean, Valcartier and Montreal, in the Province of Quebec;

Ottawa, Kingston, London and Toronto, in the Province of Ontario;

Winnipeg, in the Province of Manitoba;

Regina, in the Province of Saskatchewan;

Calgary and Edmonton, in the Province of Alberta;

Victoria and Vancouver, in the Province of British Columbia;

Charlottetown, in the Province of Prince Edward Island.

The following Wireless Telegraph Stations in Canada:—

Partridge Island (St. John, New Brunswick).

Cape Sable, Nova Scotia.

Sable Island, Nova Scotia.

Camperdown, (Halifax), Nova Scotia.

Glace Bay, Nova Scotia.

North Sydney, Nova Scotia.

Pictou, Nova Scotia.

Cape Bear, Prince Edward Island.

Harrington, Province of Quebec.

Heath Point, Province of Quebec.

Grindstone Island, (Magdalen Islands).

Fame Point, Province of Quebec.

Clarke City, Province of Quebec.

Father Point, Province of Quebec.

Grosse Isle, Province of Quebec.

Newcastle, New Brunswick.

Quebec, Province of Quebec.

Three Rivers, Province of Quebec.

Montreal, Province of Quebec.

Kingston, Ontario.

Toronto, Ontario.

Port Burwell, Ontario.

Point Edward (Sarnia), Ontario.

Midland, Ontario.

Tobermory, Ontario.

Sault Ste. Marie, Ontario.

Port Arthur, Ontario.

Le Pas, Manitoba.  
Port Nelson, Manitoba.  
Point Grey (Vancouver), British Columbia.  
Gonzales Hill (Victoria), British Columbia.  
Pachena Point, British Columbia.  
Estevan Point, British Columbia.  
Triangle Island, British Columbia.  
Cape Lazo, British Columbia.  
Alert Bay, British Columbia.  
Ikeda Head, British Columbia.  
Dead Tree Point, British Columbia.  
Prince Rupert, British Columbia.

2. No person shall navigate or be carried in aircraft coming from any place outside of Canada over any portion of the boundary or coast line of Canada or the territorial waters adjacent to such coast line, except such portions of the boundary and coast line and the territorial waters adjacent thereto as are described as follows:—

The Boundary Line south of Canada between Canada and the United States.

3. No person navigating or being carried in aircraft coming from any place outside of Canada shall land at any place in Canada except within the areas following and no person shall navigate or be carried in aircraft over any part of Canada until after such person has landed in one of the said landing areas and has complied with the conditions set forth in paragraph 4, of these orders and regulations.

The said landing areas are numbered and described as follows:—

No. 1—A circular area having the Town Hall of the Town of Annapolis, in the Province of Nova Scotia, as its centre, and having a radius of three miles.

No. 2—A circular area having the Town Hall of the Town of Woodstock, in the Province of New Brunswick, as its centre, and having a radius of three miles.

No. 3—A circular area having the Town Hall of the Town of Lake Megantic, in the Province of Quebec, as its centre, and having a radius of three miles.

No. 4—A circular area having the Town Hall of the Town of Hemmingford, in the Province of Quebec, as its centre, and having a radius of three miles.

No. 5—A circular area having the Village Hall of the Village of Athens, in the Province of Ontario, as its centre, and having a radius of three miles.

No. 6—A circular area having the Town Hall of the Town of Welland, in the Province of Ontario, as its centre, and having a radius of three miles.

No. 7—A circular area having the Village Hall of the Village of Essex, in the Province of Ontario, as its centre, and having a radius of three miles.

No. 8—A circular area having the Town Hall of the Town of Morris in the Province of Manitoba, as its centre, and having a radius of three miles.

No. 9—A circular area having the Town Hall of the Town of Estevan, in the Province of Saskatchewan, as its centre, and having a radius of three miles.

No. 10—A circular area having the City Hall of the City of Lethbridge, in the Province of Alberta, as its centre, and having a radius of three miles.

No. 11—A circular area having the Town Hall of the Town of Chilliwack, in the Province of British Columbia, as its centre and having a radius of three miles.

4. Every person navigating or being carried in aircraft coming from any place outside of Canada, shall comply with the following conditions:—

(1) He shall before commencing a voyage in Canada, apply for a clearance to such officer named in this paragraph as the officer for the landing area on which such person lands, and such person shall immediately after reaching Canada, make a landing at the nearest landing place, and shall not continue a voyage in Canada until at least twelve hours after such officer has issued the clearance to him.

In the application (of which three copies must be supplied) he shall state the following particulars:—

(a) The name and registered number (if any) of aircraft.

(b) Type of aircraft.

(c) Name, nationality and place of residence of the owner, of the person in charge, and of every member of the crew, and name, profession, nationality, and place of residence of every passenger (if any).

(d) Nature of cargo (if any).



(e) Proposed points to be visited and destination.

(f) Object of voyage.

No change shall be made in the arrangements stated in the application unless with the consent in writing of the officer applied to.

(2) No person in any aircraft entering Canada shall carry or allow to be carried,—

(a) Any goods the importation of which is prohibited by law.

(b) Any explosives or firearms, photographic apparatus, carrier or homing pigeons.

(c) Any mails.

(3) He shall in his subsequent voyage unless exempted by the terms of the clearance, comply with the following conditions:

(a) In the case of an airship, at least one Canadian representative approved by the clearance officer, shall be carried in the aircraft.

(b) No photographic or wireless apparatus, carrier or homing pigeons, explosives or firearms shall be carried.

(c) No mails shall be carried.

(d) The journey shall be effected within the time and by the route specified in the clearance.

(e) The aircraft before quitting Canada, shall descend in one of the prescribed landing areas and report to the clearance officer.

The clearance officers for the landing areas are as follows:—

The Areas Nos. 1 and 2—The officer for the time being commanding No. 6 Military Division, at Halifax.

For Area No. 3—The officer for the time being commanding the 5th Military Division at Quebec.

For Area No. 4—The officer for the time being commanding the 4th Military Division, at Montreal.

For Area No. 5—The officer for the time being commanding the 3rd Military Division, at Kingston.

For Area No. 6—The officer for the time being commanding the 2nd Military Division, at Toronto.

For Area No. 7—The officer for the time being commanding the 1st Military Division, at London.

For Areas Nos. 8 and 9—The officer for the time being commanding Military District No. 10, at Winnipeg.

For Area No. 10—The officer for the time being commanding Military District No. 13, at Calgary.

For Area No. 11—The officer for the time being commanding Military District No. 11, at Victoria.

5. Foreign naval or military aircraft shall not pass over any part of Canada, but these regulations shall not apply to naval or military aircraft belonging to or employed in the service of His Majesty or of any of his Allies.

6. The Minister of Militia and Defence may for special reasons grant exemptions from any or all of the foregoing orders, to such persons as he may deem expedient.

7. Any person contravening any of the provisions of the foregoing orders and regulations, shall be liable to a penalty not exceeding Five Thousand Dollars or imprisonment for any term not exceeding five years, or to both fine and imprisonment and such penalty may be recovered or enforced by summary proceedings and conviction under the provisions of Part 15 of The Criminal Code.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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No. 60

*Extra Canada Gazette 21st September, 1914.*

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Notice to officers of the Army Reserve.

OFFICERS OF THE ARMY RESERVE.

PUBLIC notice is hereby given that Army Reserve Officers resident in Canada are required to return forthwith to England, and on arrival there to report themselves to the War Office.

JOSEPH POPE,  
Under- Secretary of State for External Affairs.

Ottawa, 21st September, 1914.

## No. 61

*Canada Gazette, 3rd October, 1914.*

*Second Supplement of the London Gazette of 18th September, 1914-  
21st September, 1914.*

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Proclamation respecting contraband of war.

BY THE KING.

A PROCLAMATION SPECIFYING CERTAIN ADDI-  
TIONAL ARTICLES WHICH ARE TO BE  
TREATED AS CONTRABAND  
OF WAR.

WHEREAS on the fourth day of August last we did issue our Royal Proclamation specifying the articles which it was our intention to treat as contraband of war during the war between us and the German Emperor;

AND WHEREAS on the 12th day of August last we did by our Royal Proclamation of that date extend our Proclamation aforementioned to the war between us and the Emperor of Austria, King of Hungary;

AND WHEREAS by an Order in Council of the 20th day of August, 1914, it was ordered that during the present hostilities the Convention known as the Declaration of London\* should, subject to certain additions and modifications therein specified, be adopted and put in force as if the same had been ratified by us;

AND WHEREAS it is desirable to add to the list of articles to be treated as contraband of war during the present war;

AND WHEREAS it is expedient to introduce certain further modifications in the Declaration of London as adopted and put in force,—

NOW, THEREFORE, we do hereby declare, by and with the advice of our Privy Council, that during the continuance of the war, or until we do give further public notice, the articles enumerated in the schedule hereto will, notwithstanding anything contained in Article twenty-eight of the Declaration of London, be treated as conditional contraband.

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\*See Appendix D.



*Schedule.* Copper, unwrought. Lead, pig, sheet, or pipe. Glycerine. Ferrochrome. Hæmatite iron ore. Magnetic iron ore. Rubber. Hides and skins, raw or rough tanned (but not including dressed leather.)

Given at Our Court at Buckingham Palace, this twenty-first day of September, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

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No. 62

*Canada Gazette, 26th September, 1914.*

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Prize Court Rules.

IN THE EXCHEQUER COURT OF CANADA.

IN PRIZE.

*General Rules and Orders.*

IN pursuance of the authority contained in the Prize Court Rules, 1914, it is hereby ordered that the following rules and orders be and the same are in force for the purpose of regulating the practice and procedure in the Exchequer Court of Canada in Prize matters.

ORDER XLVII.

*Hours within which service of documents may be made.—Service by Sheriff in certain cases.—Seal.*

Rule 1. Except as otherwise provided by the Prize Court Rules, 1914, the service of all documents, proceedings and written communications mentioned in Order XXXV, r. 6, thereof, shall be effected between the hour of 10 in the *forenoon* and the hour of 5 in the *afternoon*, except leave be given by a Judge or the Registrar of the Court to effect service outside of such hours. Without such leave obtained service after the hour of 5 p.m. shall be deemed to be made on the following day.

Rule 2. The duties of the Marshal under the said rules shall, in any case where they fail to be executed in a district for which there is no Marshal, be executed and carried out by the Sheriff of the County or District within which the duties are to be performed and every such Sheriff is hereby appointed to carry out the duties of the Marshal under the said rules.

Rule 3. In proceedings in Prize matters, in the principal Registry of the Exchequer Court of Canada at Ottawa, or in any Admiralty District Registry of the said Court in Canada, the seals respectively used in the said Registries may be used in matters of Prize.

W. G. P. CASSELS,  
President.

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No. 63

*The London Gazette, Tuesday, 29th September, 1914.*

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**Notice that the Russian Government will observe the Declaration  
of London.**

[28918.]

FOREIGN OFFICE,  
September 26th, 1914.

His Majesty's Ambassador at Petrograd has reported to the Secretary of State for Foreign Affairs that under an Imperial Ukaze, dated the 14th instant, the provisions of the Declaration of London will be observed by the Russian Government during the course of the present hostilities, subject to the modifications adopted by the British and French Governments as declared in His Majesty's Order in Council of the 20th ultimo and in the French Decree of the 25th ultimo.

## No. 64

*Supplement to the London Gazette of 29th September, 1914—  
30th September, 1914.*

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A Proclamation extending the prohibitions contained in the Proclamation of the 9th September, 1914, relating to trading with the enemy.

By THE KING.

## A PROCLAMATION.

GEORGE R.I.

WHEREAS the state of war between Us and the German Empire and the state of war between Us and the Dual Monarchy of Austria-Hungary referred to by Us in Our Proclamation of the ninth day of September, 1914, still continue to exist;

AND WHEREAS it is desirable to extend the prohibitions contained in Our said Proclamation;

NOW, THEREFORE, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring and it is hereby declared as follows:—

1. From and after the date of this Proclamation—

- (1) The importation of such sugar as is hereinafter mentioned is prohibited.
- (2) The following prohibition shall have effect (save so far as licenses may be issued as hereinafter provided) in addition to the prohibitions contained in Our said Proclamation, and We do hereby accordingly warn all persons resident carrying on business or being in Our Dominions—

- (a) Not directly or indirectly to import or cause or procure to be imported or to be concerned with the importation into any part of Our Dominions or into any other country or place whatever through or from any port in Europe of raw or refined sugar made or produced by an enemy or in an enemy country or refined sugar (wherever made or produced) made or produced from raw sugar made or produced by an enemy or in an enemy country.
- (b) Not directly or indirectly to deal in any sugar as aforesaid.



2. And we do hereby further warn all persons that whoever in contravention of the law shall commit, aid, or abet any of the aforesaid acts is guilty of a crime and will be liable to punishment and penalties accordingly.

3. Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by Our license or by the license given on Our behalf by a Secretary of State or the Board of Trade, whether such license be granted especially to individuals or be announced as applying to classes of persons.

4. The words "enemy" and "enemy country" and "person" shall have the same meaning in this Our Proclamation as in Our said Proclamation of the ninth day of September, 1914.

Given at Our Court at Buckingham Palace, this thirtieth day of September, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.

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No. 65

*Extra Canada Gazette, 5th October, 1914.*

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Order in Council respecting patents of invention held by alien enemies.\*

[2436]

*Privy Council.*

CANADA.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Friday, the 2nd day of October, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

The Governor General in Council, under and in virtue of the authority conferred by "The War Measures Act, 1914,"\* is pleased to order as follows:—

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\*See Appendices E, F.

The following Orders and Regulations respecting Patents of Invention are hereby made and established.—

1. "Commissioner" means the Commissioner of Patents and includes the Deputy Commissioner of Patents.

2. The Commissioner may, on the application of any person, and subject to such terms and conditions, if any, as he may think fit, order the avoidance or suspension, in whole or in part, of any patent or license, the person entitled to the benefit of which is the subject of any State at war with His Majesty, and the Commissioner, before granting any such application, may require to be satisfied on the following heads:—

- (a) That the person entitled to the benefit of such patent or license is the subject of a State at war with His Majesty;
- (b) That the person applying intends to manufacture or cause to be manufactured, the patented article, or to carry on, or cause to be carried on, the patented process within the Dominion of Canada;
- (c) That it is in the general interests of the country, or of a section of the community, or of a trade, that such article should be manufactured or such process carried on as aforesaid.

The fee payable on such application shall be ten dollars.

The Commissioner may at any time, in his absolute discretion, revoke any avoidance or suspension of any patent or license ordered by him.

Provided always that the Commissioner may at any time, if in his absolute discretion he deems it expedient in the public interest, order the avoidance or suspension in whole or in part of any such patent or license upon such terms and conditions, if any, as he may think fit.

3. In any case in which the Commissioner makes an order by virtue of the powers vested in him under these Rules and Regulations or any of them, avoiding or suspending in whole or in part a patent, he may, in his discretion, grant in favour of persons other than the subject of any State at war with His Majesty, licenses to make, use, exercise or vend the patented invention so avoided or suspended, upon such terms and conditions and either for the whole term of the patent or for such less period as the Commissioner may think fit.

4. The Commissioner may, at any time during the continuance of these Orders and Regulations, avoid or suspend any proceedings on any application made under The Patent Act by a subject of any State at war with His Majesty.

5. The Commissioner may also, at any time, during the continuance of these Orders and Regulations, extend the time prescribed by The Patent Act, or any rules made thereunder, for doing any act or filing any document, upon such terms and subject to such conditions as he may think fit in the following cases, namely:—

- (a) Where it is shown to his satisfaction that the applicant, patentee, or proprietor, as the case may be, was prevented from doing the said act, or filing the said document, by reason of active service or enforced absence from this country, or any other circumstances arising from the present state of war, which, in the opinion of the Commissioner, would justify such extension;
- (b) Where the doing of any act would, by reason of the circumstances arising from the present state of war, be prejudicial or injurious to the rights or interests of any applicant, patentee or proprietor as aforesaid.

Such extension of any prescribed time, if granted after its expiration, shall have the same effect as if granted prior thereto, provided such expiration occurred on or after the fourth day of August, 1914.

6. The Commissioner may refuse to register the assignment of any patent made by a subject of any State at war with His Majesty and filed in the Patent Office on or after the fourth day of August, 1914, unless satisfied that such assignment was made in good faith and not for the purpose of evading any of the provisions of the foregoing Orders and Regulations.

7. The term "person" used in these Orders and Regulations shall, in addition to the meaning given thereto by par. 20 of section 34 of "The Interpretation Act," include any government department.

8. These Orders and Regulations shall come into operation as and from the fourth day of August, 1914.

9. The Orders and Regulations respecting Patents of Invention made under "The War Measures Act, 1914," and



dated the 11th September, 1914, are hereby rescinded and repealed.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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No. 66

*Extra Canada Gazette 15th October, 1914.*

*Third Supplement to The London Gazette of 6th October, 1914—  
8th October, 1914.*

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**Proclamation of His Majesty the King respecting trading with the enemy.**

BY THE KING.

PROCLAMATION RELATING TO TRADING WITH THE ENEMY.

GEORGE R. I.

WHEREAS it is desirable to amend Our Proclamation of the 9th September, 1914, called "The Trading with the Enemy Proclamation, No. 2."—

Now, therefore, we have thought fit, by and with the advice of Our Privy Council to issue this Our Royal Proclamation declaring and it is hereby declared as follows:

1. Paragraph 5 heading (6), of the Trading with the Enemy Proclamation, No. 2, is hereby revoked, and in lieu thereof the following heading shall be inserted in the said paragraph 5 as from the date hereof: (6), "Not to make or enter into any new marine, life, or other policy or contract of insurance (including reinsurance) with or for the benefit of an enemy; nor to accept from, or give effect to any insurance of, any risk arising under any policy or contract of insurance (including reinsurance) made or entered into with or for the benefit of the enemy before outbreak of war; and in particular as regards treaties or contracts of reinsurance current at the outbreak of war to which an enemy is a party or in which an enemy is interested, not to cede to the enemy or to accept from the enemy under any such treaty or contract any risk arising under any policy or contract of insur-

ance (including reinsurance) made or entered into after the outbreak of war, or any share in any such risk.

2. (1) The expression "Order in Council made and published on the recommendation of a Secretary of State" in paragraph 5, heading (10), of the Trading with the Enemy Proclamation, No. 2, shall, as regards persons resident carrying on business or being in Our Dominions beyond the seas, be taken to mean an order of the Governor in Council published in the official Gazette.

(2) The expression "Governor in Council" in this paragraph means as respects Canada the Governor General of Canada in Council, as respects India the Governor General of India in Council, as respects Australia the Governor General of Australia in Council, as respects New Zealand the Governor of New Zealand in Council, as respects the Union of South Africa the Governor General of the Union of South Africa in Council, as respects Newfoundland the Governor of Newfoundland in Council and as respects any other British possession the Governor of that possession in Council.

3. The power to grant licenses on Our behalf vested by paragraph 8 of the Trading with the Enemy Proclamation, No. 2, in a Secretary of State may be exercised in Canada, India, Australia, and the Union of South Africa by the Governor General, and in any other British Possession not included within the limits of Canada, India, Australia, or South Africa by the Governor.

4. In this Proclamation the expression "Governor General" includes any person who for the time being has the powers of the Governor General, and the expression "Governor" includes the officer for the time being administering the Government.

5. Notwithstanding anything contained in paragraph 6 of the Trading with the Enemy Proclamation, No. 2, where an enemy has a branch locally situated in British, allied or neutral territory, which carries on the business of insurance or reinsurance of whatever nature, transactions by or with such branch in respect of the business of insurance or reinsurance shall be considered as transactions by or with any enemy.

6. This Proclamation shall be read as one with the Trading with the Enemy Proclamation, No. 2.

Given at our Court at Buckingham Palace this eighth day of October, in the year of Our Lord, one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.

No. 67

*The London Gazette of 9th October, 1914.*

**Prize Courts in His Majesty's Dominions Oversea.**

(To be substituted for the notification on p. 7291 of the London Gazette of September 15th, 1914.)

The Courts specified in the second column of the Schedule below have been duly constituted Prize Courts. They will probably, and subject in each case to the discretion of the Court, sit at the places specified in the third column. The officers named in the fourth column have been authorized to conduct prize proceedings on behalf of the Crown within the jurisdiction of the Courts against which their names are respectively written, and enquiries with regard to the release of cargoes other than enemy cargoes laden on enemy ships should, except where otherwise stated, be made to such officers.

SCHEDULE.

—	Name of Court.	Where Located.	Officer.
Australia, Commonwealth of.	Supreme Court of New South Wales.	Sydney, New South Wales.	Crown Solicitor for Commonwealth of Australia.
Australia, Commonwealth of.	Supreme Court of Victoria.	Melbourne.....	Crown Solicitor for Commonwealth of Australia.
Australia, Commonwealth of.	Supreme Court of Queensland.	Brisbane.....	Crown Solicitor for Commonwealth of Australia.
Australia, Commonwealth of.	Supreme Court of South Australia.	Adelaide.....	Crown Solicitor for Commonwealth of Australia.
Australia, Commonwealth of.	Supreme Court of Western Australia.	Albany (or Perth)....	Crown Solicitor for Commonwealth of Australia.



SCHEDULE—*Con.*

—	Name of Court.	Where Located.	Officer.
Australia, Commonwealth of.	Supreme Court of Tasmania.	Hobart.....	Crown Solicitor for Commonwealth of Australia.
Bahamas.....	Supreme Court of Bahamas.	Nassau.....	Attorney General.
Bermuda.....	Supreme Court of Bermuda.	Hamilton, Bermuda...	" "
British Guiana.....	Supreme Court of British Guiana.	Georgetown.....	" "
British Honduras...	Supreme Court of British Honduras.	Belize.....	" "
Canada.....	Exchequer Court of Canada (or Local Judges in Admiralty).	Quebec.....	Deputy Minister of Justice.
Canada.....	Exchequer Court of Canada (or Local Judges in Admiralty).	Halifax, Nova Scotia..	Deputy Minister of Justice.
Canada.....	Exchequer Court of Canada (or Local Judges in Admiralty).	St. John, New Brunswick.	Deputy Minister of Justice.
Canada.....	Exchequer Court of Canada (or Local Judges in Admiralty).	Victoria, British Columbia.	Deputy Minister of Justice.
Canada.....	Exchequer Court of Canada (or Local Judges in Admiralty).	Charlottetown, Prince Edward Island.	Deputy Minister of Justice.
Ceylon.....	Supreme Court of Ceylon.	Colombo.....	Attorney General. Application for release to be made to principal Collector of Customs.
Falkland Islands...	Supreme Court of Falkland Islands.	Stanley.....	Thomas Nelson Goddard, Esq., Stanley.
Fiji.....	Supreme Court of Fiji	Suva.....	Attorney General.
Gibraltar.....	Supreme Court of Gibraltar.	Gibraltar.....	" "
Hong-Kong.....	Supreme Court of Hong-Kong.	Hong-Kong.....	Crown Solicitor.
Jamaica.....	Supreme Court of Jamaica.	Kingston (or Port Royal).	" "
Leeward Islands...	Supreme Court of Leeward Islands.	Antigua (St. John's)...	Attorney General.
Malta.....	Commercial Court of Malta.	Malta (Valetta).....	Crown Advocate.
Mauritius.....	Supreme Court of Mauritius.	Port Louis, Mauritius.	Procureur General.
Newfoundland.....	Supreme Court of Newfoundland.	St. John's, Newfoundland.	Attorney General.
New Zealand.....	Supreme Court of New Zealand.	Dunedin.....	" "
New Zealand.....	Supreme Court of New Zealand.	Wellington.....	" "
New Zealand.....	Supreme Court of New Zealand.	Christ Church.....	" "
New Zealand.....	Supreme Court of New Zealand.	Auckland.....	" "

SCHEDULE—*Concluded.*

—	Name of Court.	Where Located.	Officer.
Sierra Leone.....	Supreme Court of Sierra Leone.	Sierra Leone (Free-town).	Attorney General.
South Africa, Union of.	The Cape of Good Hope Provincial Division of the Supreme Court.	Simon's Bay or Cape-town.	Messrs. Fairbridge, Ardeme and Lawton, Capetown.
South Africa, Union of.	The Natal Provincial Division of the Supreme Court.	Durban.....	Mr. Calder, Attorney, Durban.
Straits Settlements.	Supreme Court of Straits Settlements.	Singapore.....	Attorney General.
Trinidad.....	Supreme Court of Trinidad.	Port of Spain.....	“ “
Windward Islands..	Royal Court of St. Lucia.	St. Lucia (Castries)...	T. A. Drysdale, Esq., Stipendiary Magistrate, 1st District.

## TERRITORIES UNDER THE GOVERNMENT OF INDIA.

—	Name of Court.	Where Located.	Officer.
India.....	High Court of Judicature, Calcutta.	Calcutta.....	Solicitor to Government.
India.....	High Court of Judicature, Bombay.	Bombay.....	Solicitor to Government.
India.....	High Court of Judicature, Madras.	Madras.....	Solicitor to Government.
India.....	Court of Judicial Commissioner in Sind.	Karachi.....	Government Pleader of Judicial Commissioner's Court, Sind.
Burma.....	Chief Court of Lower Burma.	Rangoon.....	Government Advocate.
Aden.....	Court of the Resident.	Aden.....	Second Assistant to Political Resident.

COLONIAL OFFICE, 8th October, 1914.

## No. 68

*Fifth Supplement of the London Gazette of 6th October, 1914—  
9th October, 1914.*

## Notice to importers and exporters.

1. The attention of importers and exporters is directed to the provisions of His Majesty's Proclamation, dated the 9th September, relating to Trading with the Enemy. By paragraph 5 (7) of this Proclamation all persons resident, carrying on

business, or being in His Majesty's Dominions are warned "not directly or indirectly to supply to or for the use or benefit of, or obtain from an enemy country or an enemy any goods, wares, or merchandise; not directly or indirectly to supply to or for the use or benefit of, or obtain from any person any goods, wares, or merchandise, for or by way of transmission to or from an enemy country or an enemy; nor directly or indirectly to trade in or carry any goods, wares, or merchandise destined for or coming from an enemy country or an enemy." It is further provided by paragraph 3 that the expression "enemy" in the Proclamation means any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country."

2. With a view to preventing breaches of this Proclamation it is hereby notified that the Commissioners of His Majesty's Customs and Excise have been authorized by His Majesty's Government to require Certificates of Origin or Declarations of Ultimate Destination respectively to be presented in respect of all goods, wares, or merchandise imported into or exported from the United Kingdom in trade with any foreign port in Europe or on the Mediterranean or Black Seas with the exception of those of Russia, Belgium, France, Spain and Portugal.

3. Declarations of Ultimate Destination will consequently be required until further notice in respect of all exports, without regard to value of consignments, to all the foreign ports referred to above.

4. For the present, however (except in regard to sugar), Certificates of Origin will not be required in respect of imports of foodstuffs or in respect of any imports from ports other than those specified in Schedule I below, or in respect of individual consignments not exceeding £100 in value. The Certificates and Declarations referred to must be in the form prescribed by the Schedules II and III hereto.

5. Any goods, wares or merchandise imported from the above-mentioned foreign ports, except as provided in paragraph 4, unaccompanied by Certificates of Origin will be detained by the Commissioners of Customs and Excise until the requisite



certificates are produced. The Commissioners are, however, authorized in such cases, and at their discretion, to allow delivery of the goods on the security of a deposit or of a bond to the amount of three times the value of the goods, with a view to the production of the necessary certificates within a prescribed period, provided that they see no reason for suspecting that the goods emanate from an enemy country.

6. Goods, wares, or merchandise sought to be exported to any foreign ports in Europe or on the Mediterranean or Black Seas, with the exception of those of Russia, Belgium, France, Spain and Portugal, will not be allowed to be shipped until Declarations of Ultimate Destination in the form prescribed have been lodged with the proper Customs authority.

7. The following goods will be exempt from these requirements:—

- (a) Goods imported or exported under license;
- (b) Goods shipped for the United Kingdom on or before the 19th October;
- (c) Goods in respect of which Customs exports entries have been accepted before the publication of this notice.

Board of Trade, 9th October, 1914.

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### SCHEDULE I.

List of ports in respect of Imports from which Certificates of Origin will be required (see paragraph 4 of Notice).

#### NORWAY.

Christiania	Molde
Bergen	Moss
Arendal	Namsos
Bodo	Narvik
Christiansand	Porsgrund
Christiansund	Risor
Drammen	Skien
Flekkefiord	Stavanger
Fredrikshald	Tonsberg
Frederikstad	Tronso
Hammerfest	Trondhjem
Haugesund	Vadso
Laurvig and Sandefjord	Vardo
Lofoten Islands	Kragero
Mandal	

## SWEDEN

Stockholm  
 Borgholm  
 Gefle  
 Gotland (Wisbui)  
 Hernosand  
 Hudikswall  
 Kalmar  
 Lulea  
 Norrkoping  
 Nykoping  
 Ornskoldsvik  
 Oskarshamn  
 Soderhamn  
 Sundvall

Umea  
 Westervik  
 Skelleftea  
 Gottenburg  
 Carlsrona  
 Halmstad  
 Helsingborg  
 Landscroner  
 Malmo  
 Stromstad  
 Uddevalla  
 Warberg  
 Ystad and Ahus  
 Marstrand

## DENMARK

Copenhagen  
 Nyborg  
 Aalborg  
 Aarhu  
 Bandholm  
 Elsinore  
 Esbjerg  
 Fredericia  
 Frederikshavn  
 Horsens

Castrup  
 Kolding  
 Korsor  
 Lemvig  
 Odense  
 Randers  
 Ronne (Bornholm)  
 Svendborg  
 Thisted

## NETHERLANDS

Rotterdam  
 Amsterdam  
 Delfzyl  
 Dordrecht  
 Flushing  
 Groningen  
 The Hague and Scheveningen

Helder  
 Leeuwarden and Harlingen  
 Maassluis  
 Terneuzen  
 Tiel  
 Utrecht  
 Ymuiden

## ITALY

Genoa  
 Spezia

Savona

## SCHEDULE II.

## FORM OF CERTIFICATE OF ORIGIN

I,.....hereby certify that Mr.....  
 (Producer, Manufacturer, Merchant, Trader, etc.) residing at  
 .....in this town has declared before me that the  
 merchandise designated below which is to be shipped from this  
 town to....., consigned to.....  
 (Merchant, manufacturer, etc.) in the United Kingdom, is not

of German, Austrian or Hungarian production or manufacture, and has produced to my satisfaction invoices or other trustworthy documents in proof thereof.

Number and Description of Cases.	Marks.	Numbers.	Weight or Quantity.	Total Value.	Contents.

This certificate is valid for a period of not more than.....from the date hereof.

.....  
Signature of Consular Authority  
issuing certificate and date.

.....  
Signature of person declaring.

### SCHEDULE III

#### FORM OF STATUTORY DECLARATION

I,.....of.....do solemnly  
and sincerely declare as follows:.....

.....  
.....  
I have made all necessary enquiries in order to satisfy myself as to the ultimate destination of the goods, particulars of which are set out in the Schedule below, to be exported by me or on my behalf on board.....to.....and consigned to.....of.....and do hereby declare that to the best of my knowledge and belief none of such goods are intended for consumption in any State at present at war with His Majesty, and I make this declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1835.



## SCHEDULE IV

Number and Description of Cases.	Marks.	Numbers.	Weight or Quantity.	Total Value.	Contents.

Declared before me this.....day of.....

.....  
Signature of Declarant.

.....  
Signature of Commissioner of Oaths or  
Justice of the Peace.

**No. 69**

*Canada Gazette, 10th October, 1914.*

**Despatch respecting British subjects stranded in Europe.**

## BRITISH SUBJECTS STRANDED IN EUROPE.

The following notices respecting British subjects stranded on the continent of Europe, and especially in Germany, owing to the war, have been issued by the Foreign Office, London, S.W., and are published for general information.

Canadians who have relatives or friends in Europe, about whom they feel concerned, should address themselves to the undersigned, who will communicate with the Hon. George H. Perley, now in London, in regard thereto.

**JOSEPH POPE,**  
Under-Secretary of State for External  
Affairs.

Department of External Affairs, 9th October, 1914.

The Under-Secretary of State for Foreign Affairs presents his compliments to \_\_\_\_\_, and, with reference to recent communication, is directed by Secretary Sir E. Grey to state that His Majesty's diplomatic and consular officers have been instructed to give to British subjects abroad all the advice and assistance in their power. Endeavours are also being made to enable diplomatic and consular officers to obtain cash for the relief and repatriation of British subjects who are stranded owing to the war.

Written statements sent to the Foreign Office with regard to British subjects in neutral countries will be forwarded to the consular officer in whose district they are believed to be. These written communications should contain the following particulars:—

Name of person about whom enquiry is made.

Age.

Sex.

Country where believed to be.

Supposed address.

Name of enquirer.

Address of enquirer.

As a state of war now exists with Germany, His Majesty's diplomatic and consular officers in that country can no longer exercise their functions. The United States Government have, however, been good enough to authorize the United States Ambassador and consuls in Germany to give protection to British subjects so far as international law allows.

Enquiries with regard to British subjects in Germany should be addressed to the Foreign Office and not to the United States Embassy or consulates and they should contain the same information as in the case of enquiries respecting British subjects in neutral countries. These enquiries will be sent to the United States Embassy, who will endeavour to communicate them to their representatives in Germany, by the best route available for such action as may be possible.

Foreign Office, August, 1914.

NOTICE FOUNDED ON A STATEMENT MADE BY THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS IN THE IMPERIAL HOUSE OF COMMONS ON THE 14TH SEPTEMBER, 1914.

Public notice is hereby given that His Majesty's Government have received a telegram from the United States Ambassador which he has had from Washington, stating that the German Government agrees to allow English women, and children not over sixteen years of age, to leave Germany, and will facilitate their departure. They refuse to allow British subjects of military age, who are not under duty of military service, to leave on giving an undertaking not to take part in assisting the operations of war, and consequently they will detain all male British subjects of military age. It is stated in the telegram that the period of liability to military duty in Germany is from seventeen to forty-five, but further enquiry will be necessary and is being made on this point, in view of statements which have appeared in the press that the age of obligation for service has been extended to fifty-five in Germany. The Foreign Office is not able to state yet above what age male British subjects will be allowed to leave Germany.

The Under-Secretary of State for Foreign Affairs would ask relatives of those who are affected to refrain from writing to the Foreign Office, asking that their relatives may have early or special treatment in the matter of being brought back from Germany. The representatives of the United States Government may be relied upon to do all that is possible, as soon as suitable arrangements can be made to deal with every case in the best way available. Neither the United States Embassy nor the Foreign Office can undertake the forwarding of letters or money to particular persons in Germany. No answer to our proposals for exchange has yet been received from the Austro-Hungarian Government.



No. 70

*Canada Gazette 24th October, 1914.*

**Order in Council adding regulations to Dominion Land Acts respecting entrants to lands in Railway Belt of British Columbia absent on Military Duty.**

AT THE GOVERNMENT HOUSE AT OTTAWA.

Saturday, the 17th day of October, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS by clause 22 of the Dominion Lands Act, which Act came into force on the 1st September, 1908, it is enacted as follows:—

“Notwithstanding anything in this Act, the time during which an entrant is absent from his homestead while he is a member of a military force enrolled under the authority of the Minister of Militia and engaged as a member of that force in the suppression of an outbreak or insurrection in any part of the British Empire, or in defence of the British Empire against a foreign power, or is a member of a company or contingent of Canadian volunteers enrolled under the authority of the Minister of Militia for active service, and also a period, not exceeding three months after his discharge as a member of the said force, company or contingent, to permit him to resume his residence upon his homestead, may be counted as residence upon his homestead, within the meaning of this Act”;

AND WHEREAS The Dominion Lands Act does not apply to the Railway Belt of the Province of British Columbia, which is governed by regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia established by Order in Council of 17th September, 1889, and amendments thereto, and there is no provision in these regulations for counting as residence the time spent by homesteader on military service;

AND WHEREAS it is considered advisable to extend the provisions of the above-mentioned section 22 of The Dominion Lands Act to the said Railway Belt;

THEREFORE, His Royal Highness in Council is pleased to order, and it is hereby ordered, as follows:—

The following section is hereby added to and shall form part of the Regulations for the disposal of Dominion Lands within the Railway Belt of the Province of British Columbia:—

“Notwithstanding anything in these regulations, the time  
 “during which an entrant is absent from his homestead while  
 “he is a member of a military force enrolled under the authority  
 “of the Minister of Militia and engaged as a member of that  
 “force in the suppression of an outbreak or insurrection in any  
 “part of the British Empire, or in the defence of the British  
 “Empire against a foreign power, or is a member of a company  
 “or contingent of Canadian volunteers enrolled under the author-  
 “ity of the Minister of Militia for active service, and also a  
 “period not exceeding three months after his discharge as a  
 “member of the said force, company or contingent, to permit  
 “him to resume his residence upon his homestead, may be  
 “counted as residence upon his homestead, within the meaning  
 “of these regulations.”

RODOLPHE BOUDREAU,  
 Clerk of the Privy Council.

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No. 71

*Canada Gazette, 14th November, 1914.*

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Further despatch respecting war risks.

CANADA.

No. 822.

DOWNING STREET, 23rd October, 1914.

SIR,—I have the honour to transmit to Your Royal Highness, for the information of your Ministers, copies of a notice issued by the Board of Trade regarding insurance against capture of cargo in neutral vessels.

I have the honour to be, Sir,  
 Your Royal Highness's most obedient,  
 humble servant,

(S'd) L. HARCOURT.

Governor General

His Royal Highness The Duke of Connaught and of Strathearn,  
 K.G., K.T., K.P., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E.,  
 G.C.V.O., etc., etc., etc.

## BOARD OF TRADE ANNOUNCEMENT.

## INSURANCE AGAINST CAPTURE OF CARGO IN NEUTRAL VESSELS.

It has been brought to the notice of the Board of Trade that British insurance companies have insured or reinsured goods shipped on neutral vessels against the risk of capture or detention by His Majesty's Government or allied governments.

The Board of Trade are advised that such contracts of insurance or reinsurance against the risk of capture or detention by Great Britain or her allies are prohibited by the law of England and they think it necessary to warn British insurance companies and underwriters against undertaking such business.

Board of Trade,  
17th October, 1914.

20-3

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No. 72

*Canada Gazette, 24th October 1914.*

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**Royal Naval Canadian Volunteer Reserve.**

By THE KING.

## DESIGNATION OF NAVAL VOLUNTEER FORCE OF CANADA.

His Majesty has graciously approved of the Naval Volunteer Force of Canada being known as the "Royal Naval Canadian Volunteer Reserve."



## No. 73

*Canada Gazette, 31st October, 1914.*

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**Order in Council amending order of 17th September, 1914, respecting  
aerial navigation.**

[2662]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Saturday, the 24th day of October, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council is pleased to order that the Order in Council of the 17th September, 1914, making orders and regulations respecting aerial navigation, shall be and the same is hereby amended as follows:—

(a) Paragraph 1, line 3—

*After "Sydney" add:—"Canso."*

(b) After line 17—*insert:—*

*"Louisburg, Nova Scotia."*

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

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## No. 74

*Canada Gazette, 14th November, 1914.*

*The London Gazette, 27th October, 1914.*

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**A Proclamation extending the prohibitions contained in the proclamation of the 9th September, 1914, relating to trading with the enemy.**

BY THE KING.

A PROCLAMATION.

GEORGE R. I.

WHEREAS by Our Proclamation dated the 9th day of September, 1914, called the Trading with the Enemy Proclamation, No. 2, certain prohibitions, as therein more specifically set forth, were imposed upon all persons therein referred to:

AND WHEREAS by Our Proclamation dated the 30th day of September, 1914, the prohibitions contained in the Trading with the Enemy Proclamation, No. 2, were extended, and the importation of Sugar was prohibited as therein more specifically set forth:

AND WHEREAS by Our Proclamation dated the 8th day of October, 1914, Our Proclamation of the 9th September, 1914, called the Trading with the Enemy Proclamation No. 2, was amended as therein more specifically set forth:

AND WHEREAS it is desirable to revoke Our Proclamation dated the 30th day of September, 1914:

NOW, THEREFORE, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring, and it is hereby declared, as follows:—

1. The aforesaid Proclamation of the 30th day of September is hereby as from the date hereof revoked, and from and after the date hereof this present Proclamation is substituted therefor.

2. The importation into the United Kingdom of all sugar is hereby prohibited provided that the foregoing prohibition shall not extend to sugar (not being raw or refined sugar made or produced by an enemy or in an enemy country, or refined sugar made or produced from raw sugar made or produced by an enemy or in an enemy country):—

(a) cleared from the port of shipment to this country on or before the 26th October, 1914:

(b) imported under contract made prior to the 4th August, 1914.

3. Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by Our license, or by the license given on Our behalf by a Secretary of State or the Board of Trade, whether such license be granted especially to individuals or be announced as applying to classes of persons.

4. The words “enemy” and “enemy country” and “person” shall have the same meaning in this Our Proclamation as in Our said Proclamation of the 9th day of September, 1914.

Given at Our Court at Buckingham Palace this twenty-sixth day of October, in the year of Our Lord, one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.

## No. 75

*Extra Canada Gazette 28th October, 1914.*

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**Order in Council respecting alien enemies.**

[2721]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Wednesday, the 28th day of October, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

THE Committee of the Privy Council have had before them a report, dated 28th October, 1914, from the Minister of Justice, stating that it is expedient and necessary to take measures to prevent espionage and also to prevent alien enemies in Canada who are likely to render effective military assistance to the enemy from returning to the enemy's service, and to provide for the proper supervision and control of such aliens as may be so prevented from leaving Canada, and the detention under proper conditions and maintenance where required of such of said aliens as it may be found necessary to intern as prisoners of war, and that it is likewise desirable considering the lack of opportunity for employment that aliens of enemy nationality who are not likely to add to the strength of the enemy's forces and who desire and have the means to leave the country be permitted to do so.

The Minister observes that it is considered probable that aliens of both classes will be found grouped in particular localities, principally within or in the immediate neighbourhood of the large cities and towns,—

The Minister, therefore, recommends that it be enacted by the Governor in Council under the authority of the War Measures Act as follows:—

(1) One or more offices of registration shall be established in such cities, towns and other places as may be from time to time designated by the Minister of Justice, and an officer shall be appointed by the Governor in Council for each of the offices so established who shall be called "Registrars of Alien Enemies."

(2) The Registrars shall be under the immediate direction of the Chief Commissioner of Dominion Police who shall exercise



general supervision over them in the performance of their duties and to whom they shall report as may be required. The Minister shall appoint such assistants to such registrars, clerks and other officers as may be necessary for the proper carrying out of the provisions of the present order.

(3) It shall be the duty of a registrar to examine each alien of enemy nationality attending before him, and to register in a book to be provided for the purpose the name, age, nationality, place of residence in Canada and in the country of nationality, occupation, desire or intention to leave Canada and the names of the wife and children (if any) in Canada of every such alien and such other particulars necessary for identification of such alien of enemy nationality or otherwise as may seem advisable.

(4) Every alien of enemy nationality residing or being within any of the cities, towns or places so designated as aforesaid or within twenty miles thereof, shall as soon as possible after the publication in the *Canada Gazette* of a proclamation designating such city, town or place as one wherein a registry office is to be established under this ordinance, attend before the registrar or one of the registrars, for the city, town or place within or near which he is or resides and truly answer such questions with regard to his nationality, age, residence, occupation, family, intention or desire to leave Canada, destination, liability and intention as to military service, and otherwise, as may be lawfully put to him by the registrar.

(5) No alien of enemy nationality shall be permitted to leave Canada without an exeat from a registrar; provided that the Chief Commissioner of Dominion Police may in any case, grant or cancel an exeat to an alien of enemy nationality who is registered.

(6) The registrar may issue an exeat to an alien of enemy nationality if satisfied upon the examination and registry that such alien of enemy nationality will not materially assist, by active service, information or otherwise, the forces of the enemy.

(7) If it appears to the registrar that any alien of enemy nationality who is not permitted to leave Canada may consistently with the public safety be suffered to remain at large, such alien of enemy nationality shall be required to declare whether or not he desires and has the means to remain in Canada conformably to the laws and customs of the country, subject to

obligation to report monthly to the Chief of Police of the city where or in the neighbourhood of which he is registered. If yea, such alien of enemy nationality may be permitted his liberty, subject to the conditions aforesaid and the provisions of this ordinance. If nay, he shall be interned as a prisoner of war. The registrar shall report to the Chief of Police the names and addresses of those who elect to remain at liberty. Any alien of enemy nationality who in the judgment of the registrar cannot consistently with the public safety be allowed at large shall be interned as a prisoner of war.

(8) If any alien of enemy nationality who is by the terms of this ordinance required to register, fails to do so within one month after publication of the proclamation referred to in section 4 of this ordinance or within seven days after the date when he shall by reason of his residence come within the description of those required to register, whichever date shall be last, or if he refuse or fail to answer truly any of the questions put by the registrar, or if, being registered he fail to report as hereinbefore required or to observe any of the conditions on which he is permitted to be at liberty, he shall in addition to any other penalty to which he may be therefor by law liable be subject to internment as a prisoner of war.

(9) Where any alien of enemy nationality interned under the provisions of this order has wife or children living with and dependent on him, such wife and children shall be permitted to accompany him.

(10) Such provision as may be necessary for the maintenance of aliens of enemy nationality interned as prisoners of war shall be made by the military authorities who may require such prisoners to do and perform such work as may be by them prescribed.

(11) No alien of enemy nationality who is required to register shall be naturalized unless in addition to other requirements he produces and files with his application a duly certified certificate of a registrar that he is registered pursuant to the provisions of this ordinance and that his application for naturalization is approved by the registrar.

The Committee submit the same for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

## No. 76

*Canada Gazette, 7th November, 1914.*

**Order in Council Extending time to comply with Mining Regulations by persons in Active Service.**

[2713]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Wednesday, the 28th day of October, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

The Committee of the Privy Council have had before them a report, dated 22nd September, 1914, from the Acting Minister of the Interior, submitting that under the several regulations for the disposal of mining rights, the property of the Crown, in Manitoba, Saskatchewan, Alberta, the North West Territories, the Yukon Territory, and within certain prescribed areas in the Province of British Columbia, provision is made for the payment of rental, the installation of machinery, or the expenditure of certain amounts in prospecting, developing and operating the location so acquired. In case the rental is not paid, the machinery installed, or the prescribed expenditure incurred, the rights acquired under such regulations are subject to immediate forfeiture;

The Minister states that representations have been made to the Department of the Interior that certain holders of mining rights under the regulations have been accepted for active service in the defence of the Empire during the present war, and have left or are leaving the country on such service,—

The Minister, therefore, recommends that any person who may be accepted for and continues in active service in the defence of the Empire during the war, whether with the British or allied forces, and who is the holder of mining rights acquired under the provisions of any of the mining regulations, shall be permitted to hold such rights free from the risk of cancellation owing to failure to comply with any of the requirements of the regulations under which the rights were acquired, until



six months after the final termination of the war and the final declaration of peace, in so far as the British Empire is concerned.

The Committee concur in the foregoing and submit the same for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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No. 77

*Extra Canada Gazette, 17th November, 1914.*

*Second Supplement to the London Gazette, 27th October, 1914,—  
29th October, 1914.*

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**A Proclamation Revising the List of Contraband of War.**

BY THE KING.

GEORGE R.I.

WHEREAS on the fourth day of August, 1914, We did issue Our Royal Proclamation specifying the articles which it was Our intention to treat as contraband of war during the war between Us and the German Emperor; and

WHEREAS on the 12th day of August, 1914, We did by Our Royal Proclamation of that date extend Our Proclamation aforementioned to the war between Us and the Emperor of Austria, King of Hungary; and

WHEREAS on the twenty-first day of September, 1914, We did by Our Royal Proclamation of that date make certain additions to the list of articles to be treated as contraband of war; and

WHEREAS it is expedient to consolidate the said lists and to make certain additions thereto,—

NOW, THEREFORE, We do hereby declare, by and with the advice of Our Privy Council, that the lists of contraband contained in the schedules to Our Royal Proclamations of the fourth day of August and the twenty-first day of September aforementioned are hereby withdrawn, and that in lieu thereof during the continuance of the war or until We do give further public notice the articles enumerated in Schedule I hereto

will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband.

# SCHEDULE I.

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.

2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.

3. Powder and explosives specially prepared for use in war.

4. Sulphuric acid.

5. Gun mountings, limber boxes, limbers, military wagons, field forges and their distinctive component parts.

6. Range-finders and their distinctive component parts.

7. Clothing and equipment of a distinctively military character.

8. Saddle, draught, and pack animals suitable for use in war.

9. All kinds of harness of a distinctively military character.

10. Articles of camp equipment and their distinctive component parts.

11. Armour plates.

12. Hæmatite iron ore and hæmatite pig iron.

13. Iron pyrites.

14. Nickel ore and nickel.

15. Ferrochrome and chrome ore.

16. Copper, unwrought.

17. Lead, pig, sheet, or pipe.

18. Aluminium.

19. Ferro-silica.

20. Barbed wire, and implements for fixing and cutting the same.

21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.

22. Aeroplanes, airships, balloons, and aircraft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and aircraft.

23. Motor vehicles of all kinds and their component parts.

24. Motor tyres; rubber.

25. Mineral oils and motor spirit; except lubricating oils.

26. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

## SCHEDULE II.

1. Foodstuffs.
2. Forage and feeding stuffs for animals.
3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
6. Vessels, craft and boats of all kinds; floating docks; parts of docks, and their component parts.
7. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel, other than mineral oils. Lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Sulphur.
11. Glycerine.
12. Horseshoes and shoeing materials.
13. Harness and saddlery.
14. Hides of all kinds, dry and wet, pigskins, raw or dressed; leather, undressed or dressed, suitable for saddlery, harness, or military boots.
15. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

Given at Our Court at Buckingham Palace, this Twenty-ninth day of October, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.



No. 78

*Extra Canada Gazette, November 17th, 1914.*

*The London Gazette, 29th October, 1914.*

**Order of His Majesty in Council making additions and alterations  
to the Declaration of London.**

AT THE COURT AT BUCKINGHAM PALACE, THE  
29TH DAY OF OCTOBER, 1914.

[28955.]

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order in Council dated the 20th day of August, 1914, His Majesty was pleased to declare that during the present hostilities the Convention known as the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force by His Majesty's Government; and

WHEREAS the said additions and modifications were rendered necessary by the special conditions of the present war; and

WHEREAS it is desirable and possible now to re-enact the said Order in Council with amendments in order to minimise, so far as possible, the interference with innocent neutral trade occasioned by the war:

NOW, THEREFORE, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. During the present hostilities the provisions of the Convention known as the Declaration of London shall, subject to the exclusion of the lists of contraband and non-contraband, and to the modifications hereinafter set out, be adopted and put in force by His Majesty's Government.

The modifications are as follows:—

(i) A neutral vessel, with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.

(II) The destination referred to in Article 33 of the said Declaration shall (in addition to the presumptions laid down in Article 34) be presumed to exist if the goods are consigned to or for an agent of the enemy State.

(III) Notwithstanding the provisions of Article 35 of the said Declaration, conditional contraband shall be liable to capture on board a vessel bound for a neutral port if the goods are consigned "to order", or if the ship's papers do not show who is the consignee of the goods or if they show a consignee of the goods in territory belonging to or occupied by the enemy.

(IV) In the cases covered by the preceding paragraph (III) it shall lie upon the owners of the goods to prove that their destination was innocent.

2. Where it is shown to the satisfaction of one of His Majesty's Principal Secretaries of State that the enemy Government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country, Article 35 of the said Declaration shall not apply. Such direction shall be notified in the "*London Gazette*," and shall operate until the same is withdrawn. So long as such direction is in force, a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

3. The Order in Council of the 20th August, 1914, directing the adoption and enforcement during the present hostilities of the Convention known as the Declaration of London, subject to the additions and modifications therein specified, is hereby repealed.

4. This Order may be cited as "the Declaration of London Order in Council, No. 2, 1914."

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors Officers, and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

No. 79

*Extra Canada Gazette 30th October, 1914.*

Order in Council prohibiting the export of certain commodities.  
[2712]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Thursday, the 29th day of October, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council, under and in virtue of the provisions of section 291 of the Customs Act, is pleased to order as follows:

The exportation from Canada of the following articles to all foreign ports in Europe and on the Mediterranean and Black Seas, with the exception of those of France, Russia (except the Baltic Ports), Spain and Portugal, is hereby prohibited:—

Graphite suitable for the manufacture of crucibles.

Range-finders.

Motors of all kinds.

Motor tyres.

Nickel and nickel ore.

Woolled sheep skins.

Warships including boats and their distinctive and component parts of such a nature that they can only be used on a vessel of war.

Aeroplanes, airships, balloons and air craft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons, airships and air craft.

Feeding stuffs for animals and all foodstuffs and raw materials for the same.

Gold and silver in coin or bullion, paper money.

Vehicles of all kinds available for use in war, and their component parts.

Vessels, craft and boats of all kinds, floating docks, parts of docks, and their component parts.



Powder and explosives not specially prepared for use in war.  
Barbed wire and implements for fixing and cutting same.  
Chronometers, and all kinds of nautical instruments.  
Copper, unwrought.  
Lead, pig, sheet or pipe.  
Hematite iron ore.  
Magnetic iron ore.  
Hides and skins, raw or rough tanned (but not including dressed leather).  
Rubber.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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**No. 80**

*Canada Gazette, 7th November, 1914.*

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**Order in Council imposing penalties respecting trading with the enemy.**

[2724]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Friday, the 30th day of October, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council, in virtue of the provisions of sections 6 and 10 of The War Measures Act, 1914, and for the purpose of making Orders and Regulations with respect to penalties for trading with the enemy and other purposes connected therewith is pleased to order and it is hereby ordered as follows:—

1. Any person, who during the present war, trades or has since the 4th day of August, 1914, traded with the enemy within the meaning of these Orders and Regulations shall be guilty of a misdemeanor and shall—

(a) On summary conviction be liable to imprisonment with or without hard labour for a term not exceeding 12

months, or to a fine not exceeding \$2,000 or to both such imprisonment and fine; or

- (b) On conviction or indictment be liable to imprisonment for a term not exceeding 5 years, or to a fine not exceeding \$5,000, or to both such imprisonment and fine; and the Court may in any case order that any goods or money in respect of which the offence has been committed be forfeited.

2. For the purposes of these Orders and Regulations a person shall be deemed to have traded with the enemy if he has entered into any transaction or done any act, which was at the time of such transaction or act, prohibited by or under any proclamation issued by His Majesty dealing with trading with the enemy for the time being in force, or which at common law, or by statute or by or under these Orders and Regulations constitutes an offence of trading with the enemy.

Provided that any transaction or Act permitted by or under any such proclamation shall not be deemed to be trading with the enemy.

3. Where a company has entered into a transaction or has done any act which is an offence under these Orders and Regulations, every Director, Manager, Secretary or other Officer of the Company, who is knowingly a party to the transaction or act, shall also be deemed guilty of the offence.

4. A prosecution for an offence under these Orders and Regulations shall not be instituted except by or with the consent of the Attorney General of Canada.

Provided that the person charged with such an offence may be arrested and a warrant for his arrest may be issued and executed, and such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney General of Canada to the institution of the prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

5. Where an act constitutes an offence both under these Orders and Regulations and under any Statute, or both under these Orders and Regulations and at common law, the offender shall be liable to be prosecuted and punished under either these Orders and Regulations, or such Statute, or at common law, but he shall not be liable to be punished twice for the same offence.

6. Subject to the provisions of Order 4 of these Orders and Regulations any offence declared and any penalty or forfeiture imposed or authorized by these Orders and Regulations may be prosecuted, recovered, or enforced by summary proceedings and conviction under the provisions of Part XV of The Criminal Code.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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**No. 81**

*Canada Gazette, 31st October, 1914.*

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**Notice to Mariners of Submarine Mines.**

**NORTH SEA.**

**(373) SUBMARINE MINES LAID IN CERTAIN AREAS—WARNING  
TO VESSELS.**

The following notice has been issued by the British Admiralty:—

German policy of mine laying combined with their submarine activities make counter measures necessary on military grounds.

His Majesty's Government have therefore authorized mine laying policy in certain areas. To reduce risks to non-combatants Admiralty announce that it is dangerous for ships to cross area between latitudes 51° 15' and 51° 40' north and longitudes 1° 35' and 3° east. Southern limit of German mine fields is 52° north, but it is not to be supposed that navigation is safe in any part of southern waters of North Sea.

N. to M. No. 109 (373) 6-10-14.

*Authority:* Cablegram from the Colonial Secretary, London, to the Governor General of Canada.

*Departmental File:* No. 19407.

A. JOHNSTON,  
Deputy Minister.

Department of Marine and Fisheries

Ottawa, Canada, 6th October, 1914.



## No. 82

*Supplement to the London Gazette of 30th October, 1914—31st October, 1914.*

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**Notice regarding departure of Austro-Hungarian ships.**

The Secretary of State for Foreign Affairs has received information to satisfy him that British merchant ships, which cleared from their last port of departure before the outbreak of hostilities with Austria-Hungary, but have been, or may be, met with at sea by Austro-Hungarian ships of war after the outbreak of such hostilities, are to be detained during the war, or requisitioned in lieu of condemnation as prize, and he has accordingly addressed the undermentioned notification to the Lords Commissioners of the Admiralty.

FOREIGN OFFICE, October 31st, 1914.

SIR EDWARD GREY TO THE LORDS COMMISSIONERS OF THE ADMIRALTY.

FOREIGN OFFICE,  
October 31st, 1914.

MY LORDS,—

I have the honour to state that information has reached me of a nature to satisfy me that British merchant ships, which cleared from their last port before the outbreak of hostilities with Austria-Hungary, but have been, or may be, met with at sea by Austro-Hungarian ships of war after the outbreak of such hostilities, are to be detained during the war, or requisitioned in lieu of condemnation as prize.

Austro-Hungarian merchant vessels therefore, which cleared from their last port before the declaration of war, and are captured after the outbreak of hostilities with Austria-Hungary and brought before British Prize Courts for adjudication, will be detained during the war, or requisitioned subject to indemnity.

I have, etc.,  
E. GREY.

## No. 83

*Extra Canada Gazette, 31st October, 1914.***Proclamation establishing Montreal as a place for the registration of alien enemies.**

ARTHUR.

[L.S.]

## CANADA.

George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING:—

## A PROCLAMATION.

W. STUART EDWARDS, }  
For Deputy Minister }  
of Justice, Canada. }      WHEREAS, under the provisions of The War Measures Act, by an order of His Royal Highness the Governor General in Council dated the twenty-eighth day of October, 1914, it was provided that one or more offices of registration shall be established in such cities, towns or other places as may be from time to time designated by the Minister of Justice for the registration of alien enemies under the terms and in the manner set out in the said Order in Council;

AND WHEREAS by an order of His Royal Highness in Council dated the thirty-first day of October, 1914, made upon a report of the Honourable the Minister of Justice, the City of Montreal, in the Province of Quebec, was designated as a place of registration of alien enemies under the aforesaid Order in Council,—

NOW KNOW YE that We do by these presents, and by and with the advice of Our Privy Council for Canada, direct and declare that an office of registration of alien enemies shall be and the same is hereby established at the City of Montreal, in the Province of Quebec for the purposes and under the terms and provisions of the aforesaid Order in Council dated the twenty-eighth day of October, 1914.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely beloved Uncle and Most Faithful Counsellor Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom), Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; one of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander in Chief of our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this thirty-first day of October, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By command,

THOMAS MULVEY,

Under-Secretary of State.

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No. 84

*Canada Gazette, 7th November, 1914.*

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**Memorandum as to transmission of money and letters abroad.**

The Foreign Office is unable to undertake any responsibility for the forwarding of money, letters, or messages to individual persons abroad.



Payments of money to British subjects who are detained in an enemy country and unable to return to His Majesty's Dominions do not constitute an infringement of the Trading with the Enemy Proclamation, but it may be found necessary to forward such remittances through a neutral country.

It is suggested that it may be found possible to forward the money through Messrs. Cook and Son or one of the principal banks.

Private letters to Germany and Austria-Hungary through neutral countries are now allowed to be forwarded subject to the usual conditions of censorship. Letters cannot however, be forwarded direct to Germany or Austria-Hungary. British subjects and others wishing to communicate with friends in enemy countries must forward their letters through an agency in a neutral country, and correspondents may select their own agency. Messrs. Cook and Son have, it is understood, expressed their willingness to arrange for the transmission of such letters, and applications for information as to the necessary stamps, etc., should be made to them.

Letters intended for transmission to enemy countries should be as brief as possible, should contain nothing but personal matter, and should, if possible, be written in the German language.

The address of Messrs. Cook and Son's head office is Ludgate Circus, E.C.

Foreign Office,  
October, 1914.

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FOREIGN OFFICE,  
October, 1914.

The Under-Secretary of State for Foreign Affairs is directed to state that neither messages, letters, nor money can be forwarded through the Foreign Office or the United States Embassy in London to individual British subjects abroad.

Payments of money to British subjects who are detained in an enemy country and unable to return to His Majesty's Dominions do not constitute an infringement of the Trading

with the Enemy Proclamation, but it may be necessary to forward such remittances through a neutral country.

It is suggested that it may be found possible to forward the money through Messrs. Cook and Son or one of the principal banks.

Private letters to Germany and Austria-Hungary through neutral countries are now allowed to be forwarded subject to the usual conditions of censorship. Letters cannot, however, be forwarded direct to Germany or Austria-Hungary. British subjects and others wishing to communicate with friends in enemy countries must forward their letters through an agency in a neutral country, and correspondents may select their own agency. Messrs. Cook and Son have, it is understood, expressed their willingness to arrange for the transmission of such letters, and applications for information as to the necessary stamps, etc., should be made to them.

Letters intended for transmission to enemy countries should be as brief as possible, should contain nothing but personal matter, and should, if possible, be written in the German language.

The address of Messrs. Cook and Son's head office is Ludgate Circus, E.C.

The German Government have agreed to facilitate the departure from Germany of British women and children under 17 years of age who are desirous of leaving the country and also of male British subjects under 17 and over 55 years of age, and the United States representatives in Germany will take all possible steps to arrange for the return of such persons, while they will continue to give such protection and assistance as may be possible to those British subjects who are unable to return to this country.

No arrangement has yet been concluded for the exchange of male British subjects between the ages of 17 and 55 and German subjects detained in this country.

It is particularly requested that the Foreign Office may be informed as soon as possible upon the return of individual British subjects from Germany.

FOREIGN OFFICE,  
October, 1914.

His Majesty's Government are considering the question of the means of communicating with non-combatant British subjects, such as crews of trawlers, merchantmen, and other civilians at present detained in Germany or Austria-Hungary. In the meanwhile it is believed that letters addressed to the persons in question to the Prisoners of War Information Bureau in Berlin would be delivered to the addressee.

1. Letters should be made up and addressed as follows:—
  - (a) An inner envelope, showing the prisoner's name and initials, should be left open.
  - (b) An outer envelope enclosing the above should be closed and addressed—

“For British Prisoner of War,  
 “Interned in Germany (or Austria-Hungary),  
 “c/o General Post Office,  
 “Mount Pleasant, London.”

2. Correspondence should be limited to private and family news and to necessary business communications.

No references to the naval, military or political situation, or to naval and military movements and organizations, are allowed. Letters containing such references will be returned to the senders.

3. Letters may be written in English.
4. Postal parcels should be addressed as follows:—

(Name \_\_\_\_\_),  
 "British Prisoner of War,  
 "Interned in Germany (or Austria-Hungary)  
 "c/o General Post Office,  
 "Mount Pleasant, London."

5. Postage need not be paid either on letters or parcels addressed to British prisoners of war.

6. No letters should be enclosed in parcels. As correspondence must be submitted to censorship on arrival, short communications, not exceeding two sides of a sheet of note-paper, will probably be delivered more speedily than long letters.



## No. 85

*Canada Gazettes, 7th November, 1914: and 2nd January, 1915.*

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**Appointments of Registrars of Alien Enemies.**

Ottawa, 31st October, 1914.

SILAS H. CARPENTER, of the City of Montreal, in the Province of Quebec, Esquire, Commissioner of Police: to be Registrar of Alien Enemies for the said City of Montreal, pursuant to the authority of the Order in Council of 28th October, 1914, respecting Alien Enemies.

3rd November, 1914.

B. A. INGRAHAM, of the City of Sydney, in the Province of Nova Scotia, Esquire, a Lieutenant-Colonel of the Militia of Canada: to be Registrar of Alien Enemies for the City of Sydney, aforesaid, pursuant to the authority of the Order in Council of 28th October, 1914, respecting Alien Enemies Registration.

4th November, 1914.

GEORGE LESLIE JENNINGS, Esquire, Inspector of the Royal North West Mounted Police Force: to be Registrar of Alien Enemies for the City of Edmonton, in the Province of Alberta, pursuant to the authority of the Order in Council of 28th October, 1914, respecting Alien Enemies Registration.

THOMAS SHERLOCK BELCHER, Esquire, Inspector of the Royal North West Mounted Police Force: to be Registrar of Alien Enemies for the City of Regina, in the Province of Saskatchewan, pursuant to the authority of the Order in Council of 28th October, 1914, respecting Alien Enemies Registration.

PERCIVAL WILLIAM PENNEFATHER, Esquire, Inspector of the Royal North West Mounted Police Force: to be Registrar of Alien Enemies for the City of Calgary, in the Province of Alberta, pursuant to the authority of the Order in Council of the 28th October, 1914, respecting Alien Enemies Registration.

**No. 86**

*Second Supplement to the London Gazette, 3rd November, 1914—  
5th November, 1914.*

[No. 28963.]

**NOTICE.**

Owing to hostile acts committed by Turkish forces under German officers, a state of war exists between Great Britain and Turkey as from to-day.

FOREIGN OFFICE,

November 5th, 1914.

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**No. 87**

*Canada Gazette 7th November, 1914.*

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**Announcement of war with Turkey.**

OTTAWA, 5th November, 1914.

His Royal Highness the Governor General received a telegraphic despatch from the Secretary of State for the Colonies, at 10 o'clock this morning, announcing that war has broken out with Turkey.

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**No. 88**

*Extra Canada Gazette, 26th November, 1914.*

*Second Supplement to the London Gazette of 3rd November, 1914.*

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**Extending to the War with Turkey the Proclamations and Orders  
in Council now in force Relating to the War.**

BY THE KING.

[No. 28963.]

**A PROCLAMATION.**

GEORGE R.I.

WHEREAS, owing to hostile acts committed by Turkish forces under German officers, a state of war now exists between Us and the Sultan of Turkey;

AND WHEREAS on the 4th day of August, 1914, a state of war came into existence between Us and the German Emperor;

AND WHEREAS We did on the same date and on certain other dates subsequent thereto issue certain Proclamations and Orders in Council connected with such state of war;

AND WHEREAS on the 12th day of August, 1914, a state of war came into existence between Us and the Emperor of Austria, King of Hungary;

AND WHEREAS certain of the aforesaid Proclamations and Orders in Council have since been extended so as to cover the state of war between Us and the Emperor of Austria, King of Hungary;

AND WHEREAS it is desirable now to provide for the state of war between Us and the Sultan of Turkey;

AND WHEREAS the Convention relating to the status of enemy merchant vessels at the outbreak of hostilities, signed at The Hague on the 18th October, 1907, has not been ratified by the Sultan of Turkey, and therefore We do not think fit to extend to Turkish ships the Order in Council issued on the 4th day of August, 1914, with reference to the departure from Our ports of enemy vessels, which at the outbreak of hostilities were in any such port or which subsequently entered the same;

Now, THEREFORE, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring, and it is hereby declared, as follows:—

1. The Proclamations and Orders in Council issued with reference to the state of war between Us and the German Emperor, or with reference to the state of war between Us and the German Emperor and the Emperor of Austria, King of Hungary, other than the Order in Council issued on the 4th day of August, 1914, with reference to the departure from Our ports of enemy vessels, which at the outbreak of hostilities were in any such port, or which subsequently entered the same, shall, if still in force, apply to the state of war between Us and the Sultan of Turkey as from this 5th day of November, 1914.

2. The Proclamation issued on the 5th day of August, 1914, warning all Our subjects, and all persons resident or being in Our Dominions, from contributing to or participating



in, or assisting in the floating of, any loan raised on behalf of the German Government, or from advancing money to or entering into any contract or dealings whatsoever with the said Government, or otherwise aiding, abetting, or assisting the said Government, shall be deemed as from this 5th day of November, 1914, to apply to all loans raised on behalf of, or contracts or dealings entered into with, or to aiding, abetting, or assisting the Ottoman Government.

3. The words "enemy country" in any of the Proclamations or Orders in Council referred to in Article 1 of this Proclamation shall include the Dominions of His Imperial Majesty the Sultan of Turkey other than Egypt, Cyprus, and any territory in the occupation of Us or Our allies.

Given at Our Court at Buckingham Palace, this Fifth day of November, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

GOD SAVE THE KING.

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No. 89

*Extra Canada Gazette 5th November, 1914.*

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**Proclamation establishing Sydney, etc., as places for the registration of alien enemies.**

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern,—Greeting:

### A PROCLAMATION.

W. STUART EDWARDS, For Deputy Minister of Justice, Canada.	}	WHEREAS under the provi- sions of The War Measures Act, by an order of His Royal Highness the Governor General in Council dated the twenty-
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eighth day of October, 1914, it was provided that one or more offices of registration shall be established in such cities, towns or other places as may be from time to time designated by the Minister of Justice for the registration of alien enemies under the terms and in the manner set out in the said Order in Council;

AND WHEREAS by an order of His Royal Highness in Council dated the thirty-first day of October, 1914, made upon a report of the Honourable the Minister of Justice, the City of Sydney, in the Province of Nova Scotia; the City of Regina, in the Province of Saskatchewan, and the Cities of Edmonton and Calgary, in the Province of Alberta, were designated as places of registration of alien enemies under the aforesaid Order in Council,—

NOW KNOW YE that We do by these presents, and by and with the advice of Our Privy Council for Canada, direct and declare that offices for the registration of alien enemies shall be and the same are hereby established at the City of Sydney, in the Province of Nova Scotia; the City of Regina, in the Province of Saskatchewan, and the Cities of Edmonton and Calgary, in the Province of Alberta, for the purposes and under the terms and provisions of the aforesaid Order in Council dated the twenty-eighth day of October, 1914.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Seal Great of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex, (in the Peerage of the United Kingdom), Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; One of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most

Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander-in-Chief of Our Dominion of Canada.

At our Government House, in Our City of Ottawa, this fifth day of November, in the year of Our Lord one thousand nine hundred and fourteen and in the fifth year of Our Reign.

By command,  
THOMAS MULVEY,  
Under-Secretary of State.

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No. 90

*Extra Canada Gazette, 6th November, 1914.*

[2819]

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Order in Council respecting license to trade with the Enemy.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Friday, the 6th day of November, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

The Committee of the Privy Council have had before them a report, dated 4th November, 1914, from the Minister of Customs, submitting that in and by a Royal Proclamation bearing date the ninth day of September, 1914, published in the *Canada Gazette* of the 19th of the said month, relating to trading with the enemy, the following prohibitions, among others, are declared, namely:—

“Not to pay any sum of money to or for the benefit of an enemy.

“Not directly or indirectly to supply to or for the use or benefit of, or obtain from, an enemy country or an enemy, any goods, wares or merchandise, nor directly



or indirectly to supply to or for the use or benefit of, or obtain from any person any goods, wares or merchandise, for or by way of transmission to or from an enemy country or an enemy, nor directly or indirectly to trade in or carry any goods, wares or merchandise destined for or coming from an enemy country or an enemy.

“Not to enter into any commercial, financial or other contract or obligation with or for the benefit of an enemy.”

The Minister states that it was further declared that nothing in such proclamation should be taken to prohibit anything which should be expressly permitted by the license of His Majesty or by the license given in His Majesty's behalf by a Secretary of State or the Board of Trade, whether such licenses be especially granted to individuals or be announced as applying to classes of persons.

That by a despatch from the Secretary of State for the Colonies, dated 26th September, 1914, Your Royal Highness, is, however, informed that in any case in which Your Royal Highness's Ministers should consider that a transaction not clearly permissible under the said Proclamation, would be in the public interest in the case of materials necessary for the maintenance of important Canadian industries, Your Royal Highness is at liberty to issue a license on behalf of His Majesty permitting such transaction.

The Minister, therefore, recommends that the Minister of Customs be authorized to issue licenses on behalf of His Majesty permitting manufacturers using magnesite to trade with the enemy in respect of such magnesite, in any case where it is established to his satisfaction that the materials are necessary for the maintenance of an important Canadian industry.

The Committee concur in the foregoing and submit the same for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

**No. 91**

*Canada Gazette, 14th November, 1914.*

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**Appointments of Registrars of Alien Enemies.**

OTTAWA, 6th November, 1914.

WILLIAM HENRY LINDSAY, of the City of Winnipeg, in the Province of Manitoba, Esquire, a Lieutenant-Colonel of the Militia of Canada: to be Registrar of Alien Enemies for the City of Winnipeg aforesaid, pursuant to the authority of the Order in Council of 28th October, 1914, respecting Alien Enemy Registration.

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7th November, 1914.

JAMES MICHAEL MCGOVERN, of Port Arthur, in the Province of Ontario, Esquire, Dominion Immigration Agent: to be Registrar of Alien Enemies for the City of Fort William, in the said Province, pursuant to the authority of the Order in Council of 28th October, 1914, respecting Alien Enemy Registration.

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12th November, 1914.

His Honour EMERSON COATSWORTH, Junior Judge of the County Court of the County of York, in the Province of Ontario: to be Registrar of Alien Enemies for the City of Toronto, in the said Province, pursuant to the authority of the Order in Council of 28th October, 1914, respecting Alien Enemy Registration.

No. 92

*Canada Gazette 14th November, 1914.*

**Proclamation establishing Fort William, etc., as places for registration of alien enemies.**

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in any wise concern,—Greeting:—

A PROCLAMATION.

W. STUART EDWARDS,  
For Deputy Minister of  
Justice, Canada.

WHEREAS, under the provisions of The War Measures Act, by an Order of His

Royal Highness the Governor General in Council dated the twenty-eighth day of October, 1914, it was provided that one or more offices of registration shall be established in such cities, towns or other places as may be from time to time designated by the Minister of Justice for the registration of alien enemies under the terms and in the manner set out in the said Order in Council.

AND WHEREAS by an order of His Royal Highness in Council dated the thirty-first day of October, 1914, made upon a report of the Honourable the Minister of Justice, the City of Fort William, in the Province of Ontario, and the City of Winnipeg, in the Province of Manitoba, were designated as places of registration of alien enemies under the aforesaid Order in Council,—

NOW KNOW YE that we do by these presents, and by and with the advice of Our Privy Council for Canada direct and declare that offices for the registration of alien enemies shall be and the same are hereby established at the City of Fort William, in the Province of Ontario, and the City of Winnipeg, in the



Province of Manitoba, for the purposes and under the terms and provisions of the aforesaid Order in Council, dated the twenty-eighth day of October, 1914.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom), Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; one of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this sixth day of November, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By command,

THOMAS MULVEY,  
Under-Secretary of State.

No. 93

*Extra Canada Gazette, 6th November, 1914.*

Order in Council making former proclamations and orders in council applicable to Turkey.

[2816]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Friday, the 6th day of November, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

The Committee of the Privy Council have had under consideration a report from the Acting Secretary of State for External Affairs, dated 5th November, 1914, with reference to a telegraphic despatch from the Secretary of State for the Colonies to Your Royal Highness, dated 5th November, 1914, to the effect that war has broken out between Great Britain and Turkey.

The Minister recommends that an extra of the *Canada Gazette* containing this announcement do issue forthwith.

The Minister further recommends that Your Royal Highness may be pleased to declare by Order in Council that all Proclamations and Orders in Council issued with reference to the state of war between Great Britain and Germany and Austria-Hungary shall apply, *mutatis mutandis*, to the state of war between Great Britain and Turkey.

The Committee concur in the foregoing recommendations, and submit the same for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

## No. 94

*Extra Canada Gazette, 6th November, 1914.*

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**Order in Council respecting improper newspaper publications.**  
[2821]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Friday, the 6th day of November, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council, under and in virtue of the provisions of section 6 of The War Measures Act, 1914, is pleased to make and doth hereby make the following orders and regulations respecting the prohibition in Canada of newspapers, pamphlets, tracts, writings or periodicals, calculated to be or that might be directly or indirectly useful to the enemy, or containing articles, correspondence, news or information bearing directly or indirectly on the present war and not in accord with the facts:—

1. The Minister may by warrant under his hand, direct that any newspaper, tract, writing or periodical which, in the opinion of the Minister, contains, has contained or is in the habit of containing articles, correspondence, news or information, bearing directly or indirectly on the present state of war, or on the causes thereof, contrary to the actual facts, and tending directly or indirectly to influence the people of Canada or any section of the people of Canada against the cause of the United Kingdom of Great Britain and Ireland, or in favour of the enemy, be refused the privileges of the mails of Canada and be prohibited from circulation in Canada in any way.

2. The Minister shall after refusing the privileges of the mails of Canada, or the circulation in Canada of any such newspaper, tract, pamphlet, writing or other periodical, publish in the *Canada Gazette* a notice to the effect that such newspaper, tract, pamphlet, writing or other periodical has been refused the privilege of the mails in Canada or has been prohibited from circulation in Canada or both, and further to the effect that no



person in Canada shall be permitted thereafter to be in possession of any such newspaper, tract, pamphlet, writing or other periodical, or of any issue thereof, already published or thereafter to be published, and further to the effect that any person in possession of any such newspaper, tract, pamphlet, writing or other periodical, shall be liable to a fine not exceeding five thousand dollars or imprisonment for any term not exceeding five years or to both fine and imprisonment.

3. After the refusal of the privileges of the mails of Canada, to any such newspaper, tract, pamphlet, writing or other periodical, and after the publication of the notice described in the preceding paragraph, no person shall use or attempt to use the mails of Canada for the purpose of circulating or distributing or sending any such newspaper, tract, pamphlet, writing or other periodical, and no person shall be in possession of or circulate any such newspaper, tract, pamphlet, writing or other periodical or any issue thereof, theretofore or thereafter published.

4. Any person contravening or being a director or other officer of a Company or Corporation contravening to the knowledge of such director or officer, any of the provisions of the foregoing orders and regulations, shall be liable to a penalty not exceeding five thousand dollars, or imprisonment for any term not exceeding five years or to both fine and imprisonment, and such penalty may be recovered or enforced by summary proceedings and convictions under the provisions of Part XV of The Criminal Code and in any such proceeding against any such director or officer the onus of showing that he did not know of such contravention shall be upon such director or officer.

The word "person" wherever used herein means person, persons, company or corporation.

The word "Minister" wherever used herein shall mean the Postmaster General or the Acting Postmaster General of Canada.

5. A prosecution for an offence under these orders and regulations shall not be instituted except by or with the consent of the Attorney General of Canada.

Provided that the person charged with such an offence may be arrested and a warrant for his arrest may be issued and executed, and such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney General of

Canada to the institution of the prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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**No. 95**

*Supplement to the London Gazette, 6th of November, 1914—7th  
November, 1914.*

[No. 28966.]

**NOTICE TO IMPORTERS AND EXPORTERS.**

1. The attention of importers and exporters is directed to the provisions of His Majesty's Proclamation dated the 9th September, relating to Trading with the Enemy. By paragraph 5 (7) of this Proclamation all persons resident, carrying on business, or being in His Majesty's Dominions are warned "not directly or indirectly to supply to or for the use or benefit of, or obtain from an enemy country or an enemy any goods, wares, or merchandise; nor directly or indirectly to supply to or for the use or benefit of, or obtain from any person any goods, wares, or merchandise, for or by way of transmission to or from an enemy country or an enemy; nor directly or indirectly to trade in or carry any goods, wares, or merchandise destined for or coming from an enemy country or an enemy." It is further provided by paragraph 3 that the expression "enemy." in the Proclamation means "any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country."

2. With a view to preventing breaches of this Proclamation it is hereby notified that the Commissioners of His Majesty's Customs and Excise have been authorized by His Majesty's Government to require Certificates of Origin or Declarations of Ultimate Destination respectively to be presented in respect of



all goods, wares, or merchandise imported into or exported from the United Kingdom in trade with any foreign place in Europe or on the Mediterranean or Black Seas, with the exception of those situated in Russia, Belgium, France, Spain, and Portugal.

3. Declarations of Ultimate Destination will consequently be required until further notice in respect of all exports, without regard to value of consignments, to all the foreign places referred to above.

4. For the present, however, Certificates of Origin will not be required in respect of imports of foodstuffs, of timber of any kind (including pit-props), strawboard, wood pulp, iron ore, granite, ice, tar, or carbide of calcium, or in respect of any imports from places other than those situated in Norway, Sweden, Denmark, Holland, Switzerland, and Italy, or in respect of individual consignments not exceeding £25 in value. The Certificates and Declarations referred to must be in the form prescribed by the Schedules I and II hereto.

5. Any goods, wares, or merchandise imported from the above-mentioned foreign places, except as provided in paragraph 4, unaccompanied by Certificates of Origin will be detained by the Commissioners of Customs and Excise until the requisite certificates are produced. The Commissioners, are, however, authorized in such cases, and at their discretion, to allow delivery of the goods on the security of a deposit or of a bond to the amount of three times the value of the goods with a view to the production of the necessary certificates within a prescribed period, provided that they see no reason for suspecting that the goods emanate from an enemy country.

6. Goods, wares, or merchandise sought to be exported to any foreign places in Europe or on the Mediterranean or Black Seas, with the exception of those situated in Russia, Belgium, France, Spain and Portugal will not be allowed to be shipped until Declarations of Ultimate Destination in the form prescribed have been lodged with the proper Customs authority.

7. A single Declaration of Ultimate Destination may be used to cover any number of consignments by the same exporter from the same port by the same ship at the same time.

8. Declarations of Ultimate Destination must be made by the actual exporter or by some responsible representative of the actual exporter (or in the case of a Limited Company by a



Director, Secretary, Manager, or other responsible officer) having a personal and first-hand knowledge of the enquiries made and of the facts stated on the Declaration. Carrying Agents are not regarded as competent to make the Declaration.

9. The following goods will be exempt from these requirements:—

- (a) Goods imported under license;
- (b) Goods shipped for the United Kingdom on or before the 19th November and hitherto exempted;
- (c) Goods in respect of which Customs export entries have been accepted before the publication of this Notice.

Board of Trade,  
7th November, 1914.

## SCHEDULE I.

### FORM OF CERTIFICATE OF ORIGIN.

I, \_\_\_\_\_, hereby certify that Mr. \_\_\_\_\_  
(Producer, Manufacturer,  
Merchant, Trader, etc.), residing at \_\_\_\_\_ in  
this town has declared before me that the merchandise design-  
ated below, which is to be shipped from this town to \_\_\_\_\_  
, consigned to  
(Merchant, Manufacturer, &c.) in the United Kingdom, has not  
been produced or manufactured in enemy territory, and that  
he has produced to my satisfaction invoices or other trustworthy  
documents in proof thereof.

Number and description of cases.	Marks.	Numbers.	Weight or Quantity.	Total value.	Contents.

This certificate is valid only for a period of not more than  
from the date hereof.

(Signature of person  
declaring.)

(Signature of Consular Authority  
issuing Certificate, and date.)

## SCHEDULE II.

### FORM OF STATUTORY DECLARATION.

I, \_\_\_\_\_ of \_\_\_\_\_  
do solemnly and sincerely declare as follows:—

I have made all necessary inquiries in order to satisfy  
myself as to the ultimate destination of the goods, particulars  
of which are set out in the Schedule below, to be exported by  
me, or on my behalf, on board \_\_\_\_\_ to

\_\_\_\_\_ and consigned to  
\_\_\_\_\_ of \_\_\_\_\_, and do hereby declare that  
to the best of my knowledge and belief none of such goods are  
intended for consumption in, or for transit through, any State  
at present at war with His Majesty, and I make this declaration  
conscientiously believing the same to be true and by virtue  
of the Statutory Declarations Act, 1835.

Number and description of cases.	Marks.	Numbers.	Weight or Quantity.	Total Value.	Contents.

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_

(Signature of Commissioner of  
Oaths or Justice of the Peace.)

(Signature of Declarant).

## No. 96

Canada Gazette, 7th November, 1914.

**Alien enemies. Patents of Invention.**

ORDERS AND REGULATIONS RESPECTING PATENTS OF INVENTION UNDER "THE WAR MEASURES ACT."

*Applications to Avoid or Suspend Patents.*

No. of Patent.	Name of Registered Owner.	Short Title.	Name and Address of Applicant.	Date of Hearing.
127182	Dr. Karl Kaiser.	Processes of Oxidizing Ammonia	F. S. Washburn, Niagara Falls, Ont.	November 20, 1914
132318	Dr. Karl Kaiser.	Processes of Making Nitrogen Oxygen Compounds from Ammonia and Air by Means of Contact Substances.	F. S. Washburn, Niagara Falls, Ont.	" "
156378	Farbwerke Vorm. Meister Lucius & Brunning, assignee of M. Rohmer.	Processes for the Production of Nitrogen Simultaneously with Oxides of Nitrogen.	F. S. Washburn, Niagara Falls, Ont.	" "

Any person interested who desires to be heard in opposition to any of the above applications must give notice in writing addressed to The Commissioner of Patents, Ottawa, Canada, before the date of hearing.

GEO. F. O'HALLORAN,  
Deputy Commissioner of Patents.

## No. 97

**Alien enemies. Patents of Invention.**

ORDERS AND REGULATIONS RESPECTING PATENTS OF INVENTION UNDER "THE WAR MEASURES ACT."

*Applications to Avoid or Suspend Patents.*

No. of Patent.	Name of Registered Owner.	Short Title.	Name and Address of Applicant.	Date of Hearing.
133678	Jean Billiter.....	The Electrolysis of Liquids.	Adolphe Morin & Ernest Hess, Power Building, Montreal, Que.	November 11, 1914

Any person interested who desires to be heard in opposition to the above application must give notice in writing addressed to The Commissioner of Patents, Ottawa, Canada, before the date of hearing.

GEO. F. O'HALLORAN,  
Deputy Commissioner of Patents.



## No. 98

*Canada Gazette, 5th December, 1914.*

*Supplement to the London Gazette, 10th November, 1914.*

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**Proclamation prohibiting export of certain commodities.**

BY THE KING.

A PROCLAMATION.

Prohibiting under section 8 of "The Customs and Inland Revenue Act, 1879," and section 1 of "The Exportation and Arms Act, 1900" and section 1 of "The Customs (Exportation Prohibition) Act, 1914," the Exportation from the United Kingdom of Warlike Stores.

GEORGE R.I.

WHEREAS by section 8 of "The Customs and Inland Revenue Act, 1879," it is enacted that the exportation of arms, ammunition, and gunpowder, military and naval stores, and any articles which We shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for man may be prohibited by Proclamation:—

AND WHEREAS by section 1 of "The Exportation of Arms Act, 1900," it is enacted that We may by proclamation prohibit the exportation of all or any of the following articles, namely, arms, ammunition, military and naval stores, and any article which We shall judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores, to any country or place therein named whenever We shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores, being used against Our subjects or forces or against any forces engaged or which may be engaged in military or naval operations in co-operation with Our forces;

AND WHEREAS by section 1 of "The Customs (Exportation Prohibition) Act, 1914," it is enacted that section 8 of the aforesaid Customs and Inland Revenue Act, 1879, shall have effect whilst a state of war in which We are engaged exists

as if in addition to the articles therein mentioned there were included all other articles of every description;

AND WHEREAS it is further enacted by section 2 of "The Customs (Exportation Prohibition) Act, 1914," that any Proclamation or Order in Council made under section 8, as so amended of the Customs and Inland Revenue Act, 1879 may whilst a state of war exists be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade;

AND WHEREAS various Proclamations and Orders dated respectively the 3rd, 5th, 10th, 20th and 28th August, the 1st, 8th, 11th, and 25th September, and the 6th and 19th October, prohibiting the exportation of certain articles therein referred to from the United Kingdom to certain or all destinations, have been issued in pursuance of the aforesaid powers;

AND WHEREAS it is expedient that these various Proclamations and Orders should be consolidated, with amendments and additions, and that such Proclamations and Orders should be revoked;

AND WHEREAS the articles, other than arms, ammunition, or military or naval stores hereinafter enumerated are articles which We judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores;

AND WHEREAS in order to prevent such arms, ammunition, or military or naval stores being used against Our subjects or forces or against any forces engaged or which may be engaged in military or naval operations in co-operation with Our forces, We have deemed it expedient to prohibit the exportation of the articles hereinafter enumerated,—

NOW, THEREFORE, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, declaring, and it is hereby declared, that the above-mentioned Proclamations and Orders be and the same are hereby revoked.

And We have further thought fit, by and with the advice aforesaid, and in virtue and in exercise of the powers aforesaid, to further declare, and it is hereby declared, as follows:—

That the exportation of the following goods be prohibited to all destinations:—

Acetanilide;  
 Acetone;  
 Acetylsalicylic acid (aspirin);  
 Aconite and its preparations and alkaloids;  
 Aeroplanes, airships, balloons, of all kinds, and their component parts;  
 Alcohol, methylic;  
 Ammonium sulphocyanide;  
 Animals, pack, saddle, and draught, suitable for use in war;  
 Antimony;  
 Antipyrine (phenazone);  
 Belladonna and its preparations and alkaloids;  
 Benzoic acid (synthetic) and benzoates;  
 Benzol;  
 Blankets, coloured, exceeding  $3\frac{1}{2}$  lbs. in weight, known as "woollen" blankets;  
 Boots, heavy, for men;  
 Bromine and alkaline bromides;  
 Cantharides and its preparations;  
 Carbolic acid;  
 Carbons suitable for searchlights;  
 Cartridges, charges of all kinds, and their component parts, other than sporting cartridges, charges and their component parts;  
 Caustic potash;  
 Chloral and its preparations, including chloramid;  
 Chrome and ferro-chrome;  
 Cloth, hempen;  
 Coal sacks;  
 Coal tar products for use in dye manufacture, except aniline oil and aniline salt;  
 Coca and its preparations and alkaloids;  
 Collodion;  
 Compasses, other than ships' compasses;  
 Cotton waste of all descriptions;  
 Cresol and all preparations thereof (including cresylic acid) and nitro-cresol;  
 Diethybarbituric acid (veronal) and veronal sodium;  
 Dimethylaniline;  
 Dyes and dyestuffs obtained from coal tar;  
 Emetin hydrochlor;  
 Ergot of rye, not including liquid extract or other medicinal preparations of ergot;  
 Eucaïne hydrochlor;  
 Field glasses and telescopes;  
 Fire-arms, rifled, of all kinds, and their component parts;  
 Forage and food of all kinds for animals;



Formic aldehyde;  
Fulminate of mercury;  
Gentian and its preparations;  
Glycerine, crude and refined;  
Goldbeaters' skin;  
Guncotton;  
Gunpowder;  
Harness and saddlery which can be used for military purposes;  
Heliographs;  
Hemp cordage and twine, not including cordage or twine of manila hemp or reaper or binder twine;  
Henbane and its preparations;  
Hexamethylene tetramin (urotropin) and its preparations;  
Hides of all kinds, dry or wet;  
Horseshoes;  
Hydrobromic acid;  
Hydroquinone;  
Indigo, natural;  
Ipecacuanha;  
Khaki woollen cloth;  
Lead, pig, sheet or pipe;  
Leather, undressed or dressed suitable for saddlery, harness or military boots;  
Manganese, including ferro-manganese;  
Mercury;  
Neo-salvarsan;  
Nets, torpedo;  
Nickel ore, nickel, and ferro-nickel;  
Nitrate of sodium;  
Nitrate of thorium;  
Nitrotoluol;  
Novocain;  
Oil, blast furnace;  
Oil, coal tar;  
Oil fuel, shale;  
Oil, mineral, lubricating;  
Oil, olive;  
Oil of turpentine;  
Opium and its preparations and alkaloids;  
Paraffin, liquid medicinal;  
Paraffin, soft;  
Paraldehyde;  
"Peptone Witte";  
Peroxide of manganese;  
Petroleum, fuel oil;  
Petroleum, gas oil,  
Petroleum spirit and motor spirit (including Shell spirit);

Phenactin;  
Pigskins, dressed or undressed;  
Potash salts, namely:—

Bicarbonate;  
Bichromate;  
Carbonate;  
Chlorate;  
Chloride;  
Nitrate (saltpetre);  
Permanganate;  
Prussiate;  
Sulphate;

Projectiles of all kinds and their component parts;  
Protargol, not including silver proteinate;  
Saccharin (including "saxin");  
Salicylic acid and salicylate of soda;  
Salol;  
Salvarsan;  
Santonin and its preparations;  
Signalling lamps operated by electricity and capable  
of being used for signalling Morse or other code;  
Silk cloth, silk braid, silk thread, suitable for cartridges;  
Silk noils;  
Spirits of a strength of not less than 43 degrees above  
proof;  
Sulphate of zinc;  
Sulphonal;  
Surgical bandages and dressings;  
Tartaric acid and alkaline tartrates;  
Thymol and its preparations;  
Toluol;  
Trional;  
Tungsten;  
Wolfram ore;  
Zinc.

That the exportation of the following goods be prohibited  
to all foreign ports in Europe and on the Mediterranean and  
Black Seas, other than those of France, Russia (except Baltic  
ports), Belgium, Spain and Portugal:—

Accoutrements;  
Aluminium;  
Aluminium alloys;  
Armour plates, armour quality castings, and similar  
protective material;

Asbestos;  
Bags and sacks of all kinds (not including paper bags);  
Barbed wire and implements for fixing and cutting the same;  
Bauxite;  
Bismuth and its salts;  
Bladders, casings, and sausage skins;  
Cables, telegraph and telephone;  
Camp equipment, articles of;  
Camphor;  
Cannon and other ordnance, and parts thereof;  
Carriages and mountings for cannon and other ordnance  
and for machine guns, and parts thereof;  
Castor oil;  
Chronometers and all kinds of nautical instruments;  
Compasses for ships, and parts thereof, including fittings  
such as binnacles;  
Copper ore;  
Copper, unwrought or part wrought, all kinds, including  
unwrought brass, gunmetal, naval brass, and delta metal;  
Engine and boiler packings;  
Explosives of all kinds;  
Farriers', carpenters', wheelers', and saddlers' tools;  
Ferro-silicon;  
Fire-arms, unrifled, for sporting purposes;  
Flaxen canvas, namely:—  
    Hammock canvas;  
    Kitbag canvas;  
    Merchant Navy canvas;  
    Royal Navy canvas;  
Four-wheeled wagons, capable of carrying 1 ton and over;  
Goat skins, undressed;  
Graphite, suitable for the manufacture of crucibles;  
Herrings, cured or salted;  
Implements and apparatus designed exclusively for the  
manufacture of munitions of war, for the manufacture or repair  
of arms or of war material for use on land and sea;  
Indiarubber sheet, vulcanized;  
Intrenching tools, intrenching implements, picks and  
grubbers, whether of combination pattern or otherwise, and  
helves and handles for the same;  
Iodine and its preparations and compounds;  
Iron ore;  
Iron, hæmatite pig;  
Iron pyrites;  
Jute, raw;  
Jute yarns;  
Jute piece goods;



Linen close canvas;  
 Linen duck cloth;  
 Material for telegraphs, wireless telegraphs, and telephones;  
 Mercury, salts and preparations of;  
 Mica;  
 Military equipment;  
 Mineral jellies;  
 Mines, and parts thereof;  
 Molybdenum and ferro-molybdenum;  
 Nitrate of ammonia;  
 Nitric acid;  
 Nux vomica and its alkaloids and preparation;  
 Pickaxes, shovels, and spades of all descriptions, and  
 helves and handles for the same;  
 Picric acid and its components;  
 Portable forges;  
 Railway material, both fixed and rolling stock;  
 Range-finders, and parts thereof;  
 Rope (steel wire) and hawsers;  
 Rubber, raw;  
 Shantung silk in the piece;  
 Sheep skins, woolled, *i.e.*, with the wool left on;  
 Shipbuilding materials, namely:—  
     Boiler tubes;  
     Condenser tubes;  
     Iron and steel castings and forgings for hulls and  
         machery of ships;  
     Iron and steel plates and sectional materials for  
         shipbuilding;  
     Marine engines, and parts thereof;  
     Ships' auxiliary machinery;  
 Sounding machines and gear;  
 Steam vessels, lighters, barges, and boats of all descriptions;  
 Sulphur;  
 Sulphuric acid;  
 Swords, bayonets, and other arms (not being fire-arms),  
 and parts thereof;  
 Torpedo tubes;  
 Torpedoes, and parts thereof;  
 Two-wheeled carts, capable of carrying 15 cwt. and over;  
 Tyres for motor vehicles;  
 Vanadium and ferro-vanadium;  
 Walnut wood of scantling which could be made into  
 rifle butts or fore-ends.

That the exportation of the following goods be prohibited to all destinations abroad other than His Majesty's Dominions,

Colonies not possessing Responsible Government, British India, Territories under His Majesty's protection, Cyprus, the Channel Islands, and Egypt:—

Cartridges, charges of all kinds, and their component parts, for sporting purposes;

Provisions and victuals which may be used as food for man, namely:—

Animals, living, for food;

Barley and oats;

Butter;

Cheese;

Eggs;

Margarine;

Wheat and wheat flour;

Wool, raw (sheep and lambs')

Wool tops;

Wool noils;

Wool waste;

Woollen rags, applicable to other uses than manure, pulled or not;

Woollen and worsted yarns;

All woollen and worsted cloth suitable for uniform clothing, not including women's dress stuffs or cloth with pattern;

Uniform clothing;

Cardigan jackets, woollen jerseys, woollen gloves, woollen socks, and men's woollen underwear of all kinds.

That the exportation of—

Sugar, refined and candy,

Sugar, unrefined,

be prohibited to all destinations other than—

The Channel Islands;

Malta;

Gibraltar;

Falkland Islands;

St. Helena;

East Africa Protectorate;

British West African Colonies and Protectorates.

That the carriage coastwise of Animals, pack, saddle, and draught, suitable for use in war be prohibited.

Given at Our Court at Buckingham Palace, this Tenth day of November, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.

## No. 99

*Canada Gazette, 28th November, 1914.*

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## Notice to Mariners.

No. 129 of 1914.

*(Atlantic No. 63.)**(Pacific No. 30.)*

## CANADA.

## (427) SUSPECTED CRAFT TO BE REPORTED.

The masters of all vessels navigating in Canadian waters are requested to report the movements of any suspicious craft which they may meet, to the Customs officer of the first port at which they touch, for transmission to the Captain in charge of the dockyard at Halifax, in the case of the Maritime Provinces, and to the Superintendent of the dockyard at Esquimalt in the case of the Pacific coast.

It is not desirable that any hearsay information should be given, but it is very important that all definite information secured by masters themselves be promptly forwarded.

N. to M. No. 129 (427) 10-11-14.

A. JOHNSTON,  
Deputy Minister.

Department of Marine and Fisheries,  
Ottawa, Canada, 10th November, 1914.

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## No. 100

*Canada Gazette, 14th November, 1914.*

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Proclamation establishing Toronto as a place for the registration  
of alien enemies.

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.



To all to whom these presents shall come, or whom the same may in anywise concern,—Greeting:—

### A PROCLAMATION.

W. STUART EDWARDS,  
For Deputy Minister of  
Justice, Canada.

WHEREAS, under the provisions of The War Measures Act, by an order of His Royal

Highness the Governor General in Council dated the twenty-eighth day of October, 1914, it was provided that one or more offices of registration shall be established in such cities, towns or other places as may be from time to time designated by the Minister of Justice for the registration of alien enemies under the terms and in the manner set out in the said Order in Council;

AND WHEREAS by an order of His Royal Highness in Council dated the thirty-first day of October, 1914, made upon a report of the Honourable the Minister of Justice, the City of Toronto, in the Province of Ontario, was designated as a place of registration of alien enemies under the aforesaid Order in Council,—

Now KNOW YE that We do by these presents, and by and with the advice of Our Privy Council for Canada, direct and declare that an office of registration of alien enemies shall be and the same is hereby established at the City of Toronto, in the Province of Ontario, for the purposes and under the terms and provisions of the aforesaid Order in Council dated the twenty-eighth day of October, 1914.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom) Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter, Knight of Our Most Ancient and Most Noble Order of the

Thistle; Knight of Our Most Illustrious Order of Saint Patrick; One of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this twelfth day of November, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By command,

THOMAS MULVEY,

Under-Secretary of State.

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No. 101

*Canada Gazette, 21st November, 1914.*

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Proclamation establishing Ottawa as a place of registration of  
Alien Enemies.

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom, of Great Britain and Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in any wise concern,—Greeting:

## A PROCLAMATION.

W. STUART EDWARDS,  
For Deputy Minister of  
Justice, Canada.

WHEREAS, under the provisions of The War Measures Act, by an order of His Royal

Highness the Governor General in Council dated the twenty-eighth day of October, 1914, it was provided that one or more offices of registration shall be established in such cities, towns or other places as may be from time to time designated by the Minister of Justice for the registration of alien enemies under the terms and in the manner set out in the said Order in Council;

AND WHEREAS by an order of His Royal Highness in Council dated the thirty-first day of October, 1914, made upon a report of the Honourable the Minister of Justice, the City of Ottawa, in the Province of Ontario, was designated as a place of registration of alien enemies under the aforesaid Order in Council,—

NOW KNOW YE that We do by these presents, and by and with the advice of Our Privy Council for Canada, direct and declare that an office of registration of alien enemies shall be and the same is hereby established at the City of Ottawa, in the Province of Ontario, for the purposes and under the terms and provisions of the aforesaid Order in Council dated the twenty-eighth day of October, 1914.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom), Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg, and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; one of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of



Our Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this Fourteenth day of November, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By Command,  
THOMAS MULVEY,  
Under-Secretary of State.

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No. 102

*Canada Gazette, 21st November, 1914.*

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**Proclamation establishing Victoria as a place of registration of Alien Enemies.**

ARTHUR.  
[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in any wise concern,—Greeting:

A PROCLAMATION.

W. STUART EDWARDS, For Deputy Minister of Justice, Canada.	}	WHEREAS, under the provisions of The War Measures Act, by an order of His
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Royal Highness the Governor General in Council dated the twenty-eighth day of October, 1914, it was provided that one or more offices of registration shall be established in such cities,

towns or other places as may be from time to time designated by the Minister of Justice for the registration of alien enemies under the terms and in the manner set out in the said Order in Council;

AND WHEREAS by an order of His Royal Highness in Council dated the thirty-first day of October, 1914, made upon a report of the Honourable the Minister of Justice, the City of Victoria, in the Province of British Columbia, was designated as a place of registration of alien enemies under the aforesaid Order in Council,—

NOW KNOW YE that We do by these presents, and by and with the advice of Our Privy Council for Canada, direct and declare that an office of registration of alien enemies shall be and the same is hereby established at the City of Victoria, in the Province of British Columbia, for the purposes and under the terms and provisions of the aforesaid Order in Council dated the twenty-eighth day of October, 1914.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely Beloved Uncle and Most faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom); Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; One of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa  
this Fourteenth day of November, in the year of  
Our Lord one thousand nine hundred and fourteen,  
and in the fifth year of Our Reign.

By Command,

THOMAS MULVEY,

Under-Secretary of State.

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No. 103

*Canada Gazette, 21st November, 1914.*

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**Appointment of Registrars of Alien Enemies.**

14th November, 1914.

RIDGEWAY WILSON, of the City of Victoria, in the Province of British Columbia, Esquire, a Major in the Militia of Canada: to be Registrar of Alien Enemies for the City of Victoria aforesaid, pursuant to the authority of an Order in Council of 28th October, 1914, respecting Alien Enemies.

WILLIAM D. ERWIN, of the City of Ottawa, in the Province of Ontario, Esquire: to be Registrar of Alien Enemies for the City of Ottawa aforesaid, pursuant to the authority of an Order in Council of 28th October, 1914, respecting Alien Enemies.



**No. 104***Canada Gazette, 28th November, 1914.***Order in Council amending Order in Council of 28th October, 1914  
respecting Alien Enemies.**

[2920]

**AT THE GOVERNMENT HOUSE AT OTTAWA.**

Friday, the 20th day of November, 1914.

**PRESENT:****HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.**

His Royal Highness in Council is pleased to order and it is hereby ordered as follows:

The Order in Council of the 28th of October, 1914, providing for registration of aliens of enemy nationality is hereby amended as follows:

1. By adding to section 7 the following paragraph:—

The Registrar may however require any alien of enemy nationality who is suffered to remain at large to report to the Registrar instead of to the Chief of Police; and, if considered expedient or necessary in the public interest, he may require that any such alien of enemy nationality shall report more frequently than once a month; and the following form of undertaking is prescribed to be executed by aliens of enemy nationality who are permitted to remain at large subject to the provisions of this ordinance:—

I, .....at present of.....  
 .....in the Province of.....  
 .....in the Dominion of Canada, do hereby  
 declare that I desire to remain at large in Canada, and that I  
 have the means to support myself; that I will in all respects  
 conform to and observe the laws and customs of the country;  
 that I will report to the Chief of Police of the City of.....  
 .....or to the Registrar of Alien Enemies of the  
 City of.....on the  
 .....day of each.....  
 hereafter, or as may be required by the competent Canadian

authorities; that I will strictly abstain from taking up arms or from any act of hostility towards the Government of His Britannic Majesty, and that, except with the permission of the officer under whose surveillance I may be placed, I will abstain from communicating to any one whomsoever any information respecting the existing war, the movements of troops, the military preparations, or the resources of Canada, and that I will not do any act or give any information that might be injurious to the Dominion of Canada, the United Kingdom of Great Britain and Ireland, or any of the Dominions or Possessions of His Britannic Majesty.

Dated the.....day of.....19....

WITNESS:

.....

2. By adding to section 8 the following proviso:—

Provided that the said period of one month shall not, as to any locality so proclaimed, be deemed to have expired until one month after the establishment of the office of registration for the locality.

3. By adding the following section:—

12. Nothing in this ordinance shall be deemed to require any person to register or report who has taken the oath of allegiance to His Majesty under the authority of The Oaths of Allegiance Act, and who in fact holds office in His Majesty's service subject to the obligations of the said oath, or to require any Armenian Christian to register or report.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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No. 105

*Canada Gazette, 28th November, 1914.*

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**Appointment of Registrars of Alien Enemies.**

Ottawa, 20th November, 1914.

WILLIAM BOURQUE, of the City of Brandon, in the Province of Manitoba, Esquire: to be Registrar of Alien Enemies for the

City of Brandon aforesaid, pursuant to the authority of the Order in Council of 28th October, 1914, respecting Alien Enemy Registration.

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**No. 106**

*Canada Gazette, 12th December, 1914.*

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**Proclamation Establishing Brandon as a place of registration of  
Alien Enemies.**

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in any wise concern,—Greeting:

**A PROCLAMATION.**

E. L. NEWCOMBE,  
Deputy Minister of  
Justice, Canada.

} WHEREAS, under the provisions of The War Measures Act, by an order of His Royal

Highness the Governor General in Council dated the twenty-eighth day of October, 1914, it was provided that one or more offices of registration shall be established in such cities, towns or other places as may be from time to time designated by the Minister of Justice for the registration of alien enemies under the terms and in the manner set out in the said Order in Council;

AND WHEREAS by an order of His Royal Highness in Council dated the thirty-first day of October, 1914, made upon a report of the Honourable the Minister of Justice, the City of Brandon, in the Province of Manitoba, was designated as a place of registration of alien enemies under the aforesaid Order in Council,

NOW KNOW YE that We do by these presents, and by and with the advice of Our Privy Council for Canada, direct and declare that an office of registration of alien enemies shall be and the same is hereby established at the City of Brandon, in the Province of Manitoba, for the purposes and under the terms



and provisions of the aforesaid Order in Council dated the twenty-eighth day of October, 1914.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom); Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; One of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of St. Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this Twentieth day of November, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By Command,

THOMAS MULVEY,  
Under-Secretary of State.

## No. 107

*Canada Gazette, 12th December, 1914.*

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**Order of His Majesty in Council respecting the Export of certain commodities.**

AT THE COUNCIL CHAMBER, WHITEHALL, THE  
20TH DAY OF NOVEMBER, 1914.

BY THE LORDS OF HIS MAJESTY'S MOST HONOURABLE PRIVY  
COUNCIL.

WHEREAS it is provided by section 2 of The Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of The Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an order made by the Lords of the Council on the recommendation of the Board of Trade:

AND WHEREAS there was this day read at the Board a recommendation from the Board of Trade to the effect:—

That there should be added to the list of prohibitions of export to all destinations, contained in the Proclamation dated the 10th day of November, 1914, the following article:—

Rubber, raw.

NOW THEREFORE, their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved:

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

No. 108

*Extra Canada Gazette, 24th November, 1914.*

**Order in Council respecting the Export of certain commodities.**  
[2957]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Tuesday, the 24th day of November, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council is pleased to order as follows:

The exportation from Canada of graphite and rubber is hereby prohibited, under the provisions of sections 291 and 242 of the Customs Act, except to the United Kingdom and to British Possessions.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

No. 109

*Canada Gazette, 5th December, 1914.*

**Despatch respecting gifts from Overseas Dominions.**

*Mr. Harcourt to the Governor General.*

LONDON,

*Telegram.*

27th November, 1914.

I am about to lay before Parliament further correspondence regarding the munificent gifts which have so far been offered from the various parts of the Empire, and before doing so I desire, on behalf of His Majesty's Government, again to express their deep gratitude to all who have so generously and in such divers ways, both publicly and privately, contributed to the requirements of His Majesty's Government and their allies, for purposes of alleviating the distress caused by the war and bringing it to a successful issue.

HARCOURT.



**No. 110**

*Extra Canada Gazette, 30th November, 1914.*

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**Order in Council respecting the Export of certain commodities.**  
[2961]

**AT THE GOVERNMENT HOUSE AT OTTAWA.**

Saturday, the 28th day of November, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council is pleased to order as follows:—

The exportation from Canada of manganese and ferro-manganese is hereby prohibited, to all destinations, under the provisions of sections 291 and 242 of The Customs Act.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

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**No. 111**

*Canada Gazette, 5th December, 1914.*

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**Order in Council respecting separation allowance to families of members of Naval Service.**

[2960]

**AT THE GOVERNMENT HOUSE AT OTTAWA.**

Saturday, the 28th day of November, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

The Committee of the Privy Council have had before them a report, dated 17th November, 1914, from the Minister of the Naval Service stating that the Deputy Minister of the Naval Service has drawn up and submitted the following scheme

of separation allowance, for the period of the war; said allowance to be paid to the wives and families of all Naval ratings, Marines, and Reservists borne on the books of H.M.C. ships:—

For the period of the present war, separation allowance will be paid to the wives and families of all Naval ratings, Marines, and Reservists borne on the books of H.M.C. ships, with the following exceptions:—

- (a) All commissioned Officers of the Royal Navy, Royal Navy (Retired), Royal Canadian Navy and Royal Navy Reserve.
- (b) All Officers, Warrant Officers and men in receipt of any form of Lodging Allowance or Allowance in lieu of provisions.

There will be three scales of separation allowance:—

#### SCALE "A."

That laid down in Admiralty Weekly Orders No. 405 of 25th September, 1914, and No. 565 of 30th October, 1914, which will apply to the following:

Imperial Service Active Service ranks and ratings.

Imperial Service Retired Warrant Officers, Royal Canadian Naval permanent ranks and ratings, Pensioners, Royal Fleet Reserve men, Royal Naval Reserve and Royal Naval Reserve, Newfoundland, men loaned for duty under the Canadian Government.

For payments under this scale to dependents in Canada, twenty-five cents is to be taken as equivalent to one shilling, and such payments will commence as from 1st October, 1914, and will be payable to the wives and families or to the motherless children of the Warrant Officers and men to whom it applies, under the same conditions as those laid down in the above mentioned Admiralty Weekly Orders.

#### SCALE "B."

For all Officers, Warrant Officers and men who have entered the Royal Canadian Navy for the period of the war only, and are borne on the books of a sea-going ship.

All Officers, Warrant Officers and men of the Royal Naval Canadian Volunteer Reserve called up for service, and borne on the books of a seagoing ship.

The above will be paid on the following scale:—

Ord. Seamen, A.B.'s, Ldg. Seamen, P.O.

2nd class and equivalent ratings.....\$20.00 per mensem.

P.O., P.O. 1st class and C.P.O.'s and equi-

valent ratings..... 25.00 “

W.O.'s, Sub-Lieuts., and equivalent ranks.. 30.00 “

Lieuts. and upwards..... 40.00 “

Provided, however, that there may be deducted from the above separation allowance any amount which is being received by the officers or men in question, or by the beneficiaries, in payment in whole or in part of the salary which the husband, father or son, was receiving at the time of his enlistment.

Payment under this scale will commence as from the 4th August, 1914, and will be paid to the wives and families or dependents of officers, warrant officers and men, by cheque issued monthly from the Department of the Naval Service.

#### SCALE “C.”

Married men and widowers (not officers) with families who have entered the Royal Canadian Navy for the period of the war, or who belong to the Royal Naval Canadian Volunteer Reserve and are called up for service, and who are borne on the books of a shore establishment, or are serving in ships employed on harbour service.

The families of the above will receive an allowance of forty-five cents per diem.

Provided, however, that there may be deducted from the above separation allowance any amount which is being received by the Warrant Officers or men in question, or by the beneficiaries, in payment in whole or in part of the salary which the husband, father or son, was receiving at the time of his enlistment.

Payment under this scale will commence as from the 4th August, 1914, and will be paid to the wives and families or dependents of Warrant Officers and men, by cheque issued monthly from the Department of the Naval Service.

The term “Dependent” is to be considered as including widowed mothers and motherless children only, and clear proof of their relationship will be required, and also a clear proof of dependency in the case of widowed mothers.

The Minister, concurring in the suggestions of the Deputy Minister of the Naval Service, recommends that these Regulations be established forthwith.

The Committee concur in the foregoing and submit the same for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.



No. 112

*Canada Gazette, 2nd January, 1915.*

**Despatch respecting War Risks.**

CANADA,  
No. 980.

DOWNING STREET,  
2nd December, 1914.

SIR,—With reference to my despatch No. 693 of the 10th September, I have the honour to acquaint Your Royal Highness, for the information of your Ministers, that the Insurance Rate for *cargo* under the Government War Risks Insurance Scheme was reduced as from the 11th instant, from 2 guineas to 1½ guineas per cent.

I have the honour to be,

Sir,

Your Royal Highness's most obedient,  
humble servant,

(S'd.) L. HARCOURT.

Governor General

His Royal Highness

The Duke of Connaught and of Strathearn, K.G.,  
K.T., K.P., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E.,  
G.C.V.O., etc., etc., etc.

No. 113

*Extra Canada Gazette, 10th December, 1914.*

**Proclamation of day of Humble Prayer and Intercession.**

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in any wise concern,—Greeting:

### A PROCLAMATION.

W. STUART EDWARDS,  
for Deputy Minister of  
Justice, Canada.

WHEREAS Our Empire has  
been forced to take up arms  
in defence of rights and

liberties unjustly attacked and to fulfil pledges solemnly given,—

We, therefore, believing it to be fitting that Our people should be enabled to make a public and solemn avowal of duty to Almighty God and of need of guidance, have thought fit, by and with the advice of Our Privy Council for Canada, to appoint, and we do hereby appoint Sunday, the Third day of January next, to be throughout Our Dominion of Canada a day of Humble Prayer and Intercession to Almighty God on behalf of the cause undertaken by Our Empire and Our Allies and of those who are offering their lives for it, and for a speedy and favourable peace that shall be founded on understanding and not hatred, to the end that peace shall endure; and We do invite all Our loving subjects throughout Canada to set apart this appointed day as a day of Humble Prayer and Intercession.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom), Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; one of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished

Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this Fifth day of December, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By Command,

THOMAS MULVEY,

*Under Secretary of State.*

No. 114

*Canada Gazette, 26th December, 1914.*

**Proclamation respecting the Prize Court Rules.**

ARTHUR.

[L.S.]

CANADA.

George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern,—Greeting:—

**A PROCLAMATION.**

E. L. NEWCOMBE,  
Deputy Minister of Justice,  
Canada.

WHEREAS in and by Our  
Proclamation bearing date  
the twenty-second day of

August in the year of Our Lord one thousand nine hundred and fourteen, the Prize Court Rules, 1904 (Imperial), were proclaimed to be in force and effect in Canada from and after the date of such Proclamation;

AND WHEREAS the said rules have been amended by an Order of His Majesty the King in Council bearing date the



twenty-eighth day of November one thousand nine hundred and fourteen by adding the following to Rule 1 (1) of Order XXVII:—

“Provided that on the application of the proper officer of the Crown the Court shall order delivery of the property to the Crown in lieu of sale, and if at the time of such application an order for sale has already been made but no sale has taken place, the order for sale shall be rescinded for the purpose of giving effect to such application, but the order for delivery to the Crown may, if the Court thinks fit, be made subject to payment by the Crown of such costs, expenses or other sums, as might have been ordered to be paid out of the proceeds of sale if the property had been sold under order of the Court.”

AND WHEREAS Our Governor in Council has advised that Our Proclamation should be issued pursuant to Order XLVI of the said Prize Court Rules proclaiming in force the said amendment to the said Prize Court Rule 1 (1) of Order XXVII.

NOW KNOW YE, that by and with the advice of Our Privy Council for Canada, we do hereby proclaim and declare that the said amendment to Rule 1 (1) of said Order XXVII shall come into force and effect in Canada from and after the date of this Our Proclamation.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Most Dear and Entirely beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathearn, Earl of Sussex (in the Peerage of the United Kingdom), Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; one of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished

Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this Fourteenth day of December, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

By command,

THOMAS MULVEY,  
Under-Secretary of State.

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No. 115

*Third Supplement to the London Gazette of the 15th December, 1914, 18th December, 1914.*

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**Notice that Egypt is constituted a British Protectorate.**

His Britannic Majesty's Principal Secretary of State for Foreign Affairs gives notice that, in view of the state of war arising out of the action of Turkey, Egypt is placed under the protection of His Majesty and will henceforth constitute a British Protectorate.

The suzerainty of Turkey over Egypt is thus terminated, and His Majesty's Government will adopt all measures necessary for the defence of Egypt and the protection of its inhabitants and interests.

December 18th, 1914.

## No. 116

*Canada Gazette, 26th December, 1914.*

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**Despatch respecting the Protectorate of Egypt.**

LONDON, 18th December, 1914.

His Britannic Majesty's Principal Secretary of State for Foreign Affairs gives notice that in view of the state of war arising out of the action of Turkey, Egypt is placed under the protection of His Majesty, and will henceforth constitute a British Protectorate. The suzerainty of Turkey over Egypt is thus terminated, and His Majesty's Government will adopt all measures necessary for the defence of Egypt and the protection of its inhabitants and interests. Lieut.-Colonel Sir Arthur McMahon has been appointed as His Majesty's High Commissioner for Egypt.

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## No. 117

*Supplement to the London Gazette of 18th December, 1914,  
19th December, 1914.*

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**Notice that the French Republic has recognized the British  
Protectorate over Egypt.**

His Majesty's Government, having been informed that the Government of the French Republic have recognized the British Protectorate over Egypt, His Britannic Majesty's Principal Secretary of State for Foreign Affairs hereby gives notice that His Majesty's Government adhere to the Franco-Moorish Treaty of March 30th, 1912.

FOREIGN OFFICE,  
December 19th, 1914.

In view of the action of His Highness Abbas Hilmi Pasha, lately Khedive of Egypt, who has adhered to the King's enemies, His Majesty's Government have seen fit to depose



him from the Khedivate, and that high dignity has been offered, with the title of Sultan of Egypt, to His Highness Prince Hussein Kamel Pasha, eldest living Prince of the family of Mahomet Ali, and has been accepted by him.

December 19th, 1914.

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### No. 118

*Canada Gazette, 19th December, 1914.*

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#### Despatch respecting the Holy Places in Arabia.

#### HOLY PLACES IN ARABIA.

The following notification issued by the Government of India on the 2nd November lays down the policy of His Majesty's Government in respect of the Holy Places:—

“In view of the outbreak of war between Great Britain and Turkey, which to the regret of Great Britain has been brought about by the ill-advised, unprovoked and deliberate action of the Ottoman Government, His Excellency the Viceroy is authorized by His Majesty's Government to make the following public announcement in regard to the Holy Places of Arabia, including the Holy Shrines of Mesopotamia and the Port of Jeddah, in order that there may be no misunderstanding on the part of His Majesty's most loyal Moslem subjects as to the attitude of His Majesty's Government in this war in which no question of a religious character is involved. These Holy places and Jeddah will be immune from attack and molestation by the British Naval and Military forces so long as there is no interference with pilgrims from India to the Holy places and Shrines in question. At the request of His Majesty's Government the Governments of France and Russia have given them similar assurances.”

## No. 119

Canada Gazette, 16th January, 1914.

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## Notice to Mariners.

## NORTH SEA AND ENGLISH CHANNEL.

(501) ALTERATIONS IN POSITIONS OR WITHDRAWAL OF LIGHT-  
VESSELS AND BUOYS, EXTINCTION OF LIGHTS AND  
LIGHTS OF LIGHT-BUOYS, AND ALTERATION  
OR DISCONTINUANCE OF FOG-SIGNALS.

After sunrise on the 10th December, 1914, in the English Channel and the Downs eastward of a line joining Selsea Bill and Cape Barfleur and to the Southward of the parallel of  $51^{\circ} 20'$  North latitude, all light-vessels and buoys are liable to withdrawal or alteration in position, the lights and lights of light-buoys are liable to be extinguished and the fog-signals to be altered or discontinued, without further notice.

Trinity House Pilot Stations will be established by sunrise on the 10th December, 1914, at the undermentioned places, and merchant vessels are very strongly advised to take pilots, as navigation in the area in question will be exceedingly dangerous without their aid:

- (1) ST. HELENS, ISLE OF WIGHT, where ships proceeding up Channel can obtain pilots capable of piloting as far as Great Yarmouth.
- (2) GREAT YARMOUTH, where ships from the North Sea bound for the English Channel can obtain pilots capable of piloting as far as the Isle of Wight.
- (3) DOVER, where ships from French Channel Ports, but *no others*, can obtain pilots for the North Sea.
- (4) THE SUNK LIGHT-VESSEL, where ships crossing the North Sea between the parallels of  $51^{\circ} 40'$  and  $51^{\circ} 54'$  North Latitude, but *no others*, can obtain pilots for the English Channel.

(5) Pilots can also be obtained at London for the English Channel or North Sea.

N. to M. No. 150 (501) 23-12-14.

*Authority:* British Admiralty N. to M. No. 1795 of 1914.

A. JOHNSTON,

Deputy Minister.

Department of Marine and Fisheries,

Ottawa, Canada, 23rd December, 1914.

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No. 120

*Supplement to the London Gazette of 22nd December, 1914.  
23rd December, 1914.*

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**Order of His Majesty in Council amending Proclamation of the  
10th of November, 1914, respecting the exportation of  
certain Commodities.**

**AT THE COUNCIL CHAMBER, WHITEHALL, THE  
23RD DAY OF DECEMBER, 1914.**

**BY THE LORDS OF HIS MAJESTY'S MOST HONOURABLE PRIVY  
COUNCIL.**

WHEREAS it is provided by Section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under Section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

AND WHEREAS it is provided by Section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under Section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

AND WHEREAS by a Proclamation, dated the 10th day of November, 1914, and made under Section 8 of the Customs and Inland Revenue Act, 1879, and Section one of the Exportation



of Arms Act, 1900, and Section one of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited:

AND WHEREAS there was this day read at the Board a recommendation from the Board of Trade to the following effect—

That the Proclamation, dated the 10th day of November, 1914, should be amended by making the following additions to and alterations in the same:—

(1) That the heading “Explosives of all kinds” should be deleted from the list of prohibitions to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia, (except Baltic Ports), Belgium, Spain, and Portugal.

(2) That the export of the following articles should be prohibited to all destinations:—

Explosives of all kinds;

Valonia;

Grindery used in the making of boots and shoes.

(3) That the export of “Vessels, craft, and boats of all kinds, floating docks, parts of docks, and their component parts” should be prohibited to all destinations abroad other than British possessions and Protectorates.

NOW, THEREFORE, their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

**No. 121**

*Canada Gazette, 2nd January, 1915.*

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**Appointment of Registrar of Alien Enemies.**

24th December, 1914.

HERBERT C. MOSELEY, of the City of Sydney, in the Province of Nova Scotia, Esquire: to be Registrar of Alien Enemies for the said City of Sydney, pursuant to the authority of the Order in Council of 28th October, 1914, respecting Alien Enemies in the room and stead of Colonel B. A. Ingraham, resigned.

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**No. 122**

*The London Gazette, 1st January, 1915.*

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**British Prize Courts Oversea.**

(To be substituted for the notification on pp. 8037 and 8038 of the *London Gazette* of October 9th, 1914, and for No. 67 pp. 111-113.

The Courts specified in the second column of the Schedule below have been duly constituted Prize Courts. They will probably, and subject in each case to the discretion of the Court, sit at the places specified in the third column. The officers named in the fourth column have been authorized to conduct prize proceedings on behalf of the Crown within the jurisdiction of the Courts against which their names are respectively written, and enquiries with regard to the release of cargoes other than enemy cargoes laden on enemy ships, should, except where otherwise stated, be made to such officers.

—	Name of Court.	Where Located.	Officer.
Australia, Commonwealth of.	Supreme Court of New South Wales	Sydney, New South Wales.	Crown Solicitor for Commonwealth of Australia.
Australia, Commonwealth of.	Supreme Court of Victoria.	Melbourne.....	Crown Solicitor for Commonwealth of Australia.
Australia, Commonwealth of.	Supreme Court of Queensland.	Brisbane.....	Crown Solicitor for Commonwealth of Australia.
Australia, Commonwealth of.	Supreme Court of South Australia.	Adelaide.....	Crown Solicitor for Commonwealth of Australia.
Australia, Commonwealth of.	Supreme Court of Western Australia	Albany (or Perth)....	Crown Solicitor for Commonwealth of Australia.
Australia, Commonwealth of.	Supreme Court of Tasmania.	Hobart.....	Crown Solicitor for Commonwealth of Australia.
Bahamas.....	Supreme Court of Bahamas.	Nassau.....	Attorney General.
Bermuda.....	Supreme Court of Bermuda.	Hamilton, Bermuda...	" "
British Guiana.....	Supreme Court of British Guiana.	Georgetown.....	" "
British Honduras...	Supreme Court of British Honduras.	Belize.....	" "
Canada.....	Exchequer Court of Canada (or Local Judges in Admiralty).	Quebec.....	Deputy Minister of Justice.
Canada.....	Exchequer Court of Canada (or Local Judges in Admiralty).	Halifax, Nova Scotia..	Deputy Minister of Justice.
Canada.....	Exchequer Court of Canada (or Local Judges in Admiralty).	St. John, New Brunswick.	Deputy Minister of Justice.
Canada.....	Exchequer Court of Canada (or Local Judges in Admiralty).	Victoria, British Columbia.	Deputy Minister of Justice.
Canada.....	Exchequer Court of Canada (or Local Judges in Admiralty).	Charlottetown, Prince Edward Island.	Deputy Minister of Justice.
Ceylon.....	Supreme Court of Ceylon.	Colombo.....	Attorney General. Application for release to be made to principal Collector of Customs.
Falkland Islands...	Supreme Court of Falkland Islands.	Stanley.....	Thomas Nelson Goddard, Esq., Stanley.
Fiji.....	Supreme Court of Fiji	Suva.....	Attorney General.
Gibraltar.....	Supreme Court of Gibraltar.	Gibraltar.....	" "
Hong Kong.....	Supreme Court of Hong Kong.	Hong Kong.....	Crown Solicitor.
Jamaica.....	Supreme Court of Jamaica.	Kingston (or Port Royal).	" "
Leeward Islands...	Supreme Court of Leeward Islands.	Antigua (St. John's) ..	Attorney General.
Malta.....	Commercial Court of Malta.	Malta (Valetta).....	Crown Advocate.



—	Name of Court.	Where Located.	Officer.
Mauritius.....	Supreme Court of Mauritius.	Port Louis, Mauritius.	Procureur General.
Newfoundland....	Supreme Court of Newfoundland.	St. John's, Newfoundland.	Attorney General.
New Zealand.....	Supreme Court of New Zealand.	Dunedin.....	" "
New Zealand.....	Supreme Court of New Zealand.	Wellington.....	" "
New Zealand.....	Supreme Court of New Zealand.	Christ Church.....	" "
New Zealand.....	Supreme Court of New Zealand.	Auckland.....	" "
Sierra Leone.....	Supreme Court of Sierra Leone.	Sierra Leone (Free-town).	" "
South Africa, Union of.	The Cape of Good Hope Provincial Division of the Supreme Court.	Simon's Bay or Capetown.	Messrs. Fairbridge, Arderne and Lawton, Capetown.
South Africa, Union of.	The Natal Provincial Division of the Supreme Court.	Durban .....	Mr. Calder, Attorney, Durban.
Straits Settlements.	Supreme Court of Straits Settlements.	Singapore.....	Attorney General.
Trinidad.....	Supreme Court of Trinidad.	Port of Spain.....	" "
Windward Islands..	Royal Court of St. Lucia.	St. Lucia (Castries....)	T. A. Drysdale, Esq., Stipendiary Magistrate, 1st District.
Zanzibar.....	His Britannic Majesty Court for Zanzibar.	Zanzibar.....	Procurator General.

COLONIAL OFFICE, 31st December, 1914.

—	Name of Court.	Where Located.	Officer.
Egypt.....	His Britannic Majesty's Prize Court in Egypt.	Alexandria.....	Procurator, 17, Rue Nebi Daniel, Alexandria.

FOREIGN OFFICE, 31st December, 1914.

—	Name of Court.	Where Located.	Officer.
India.....	High Court of Judicature, Calcutta.	Calcutta.....	Solicitor to Government.
India.....	High Court of Judicature, Bombay.....	Bombay.....	Solicitor to Government.
India.....	High Court of Judicature, Madras.	Madras.....	Solicitor to Government.
India.....	Court of Judicial Commissioner in Sind.	Karachi.....	Government Pleader of Judicial Commissioner's Court, Sind.
Burma.....	Chief Court of Lower Burma.	Rangoon.....	Government Advocate
Aden.....	Court of the Resident.	Aden.....	Second Assistant to Political Resident.

INDIA OFFICE, 31st December, 1914.

## No. 123

*Second Supplement to the London Gazette of 1st January, 1915;  
4th January, 1915,*

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**Order of His Majesty in Council further amending Proclamation  
of the 10th November, 1914, respecting the Exportation of  
certain commodities.**

**AT THE COUNCIL CHAMBER, WHITEHALL, THE  
4TH DAY OF JANUARY, 1915.**

**BY THE LORDS OF HIS MAJESTY'S MOST HONOURABLE PRIVY  
COUNCIL.**

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under Section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

AND WHEREAS it is provided by Section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under Section one of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

AND WHEREAS by a Proclamation, dated the 10th day of November, 1914, and made under Section 8 of the Customs and Inland Revenue Act, 1879, and Section one of the Exportation of Arms Act, 1900, and Section one of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited:

AND WHEREAS there was this day read at the Board a recommendation from the Board of Trade to the following effect:—

That the Proclamation, dated the 10th day of November, 1914, should be amended by making the following additions to the same:—

- (1) That the exportation of the following articles should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of France, Russia (except Baltic Ports), Belgium, Spain, and Portugal:—

Clover and grass seeds;

Motor Vehicles of all kinds and their component parts.

- (2) That the exportation of:—

Fish (whale) oil, viz., train, blubber, sperm or head matter, should be prohibited to all destinations abroad.

Now, THEREFORE, their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

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No. 124

*Canada Gazette, 9th January, 1915.*

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Appointment of Registrar of Alien Enemies.

7th January, 1915.

ARTHUR L. McEWEN, of the City of Fort William, in the Province of Ontario, Esquire: to be Registrar of Alien Enemies, at Fort William, aforesaid, in the room and stead of J. M. McGovern, resigned.



## No. 125

*Second Supplement to the London Gazette of 5th January, 1915;  
7th January, 1915.*

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**A Proclamation relating to Trading with the Enemy.**

BY THE KING.

GEORGE R.I.

WHEREAS by Our Proclamation dated the 9th day of September, 1914, called the Trading with the Enemy Proclamation, No. 2, certain prohibitions, as therein more specifically set forth, were imposed upon all persons therein referred to:

AND WHEREAS by Our Proclamation dated the 8th day of October, 1914, the Trading with the Enemy Proclamation No. 2 was amended as therein more specifically set forth:

AND WHEREAS by Our Proclamation dated the 5th day of November, 1914, it was declared that the aforesaid Proclamations, amongst others, should apply to the state of war existing between Us and the Sultan of Turkey:

AND WHEREAS it is desirable to extend the scope of the prohibitions contained in the aforesaid Proclamations in the manner hereinafter appearing:

NOW THEREFORE, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, declaring, and it is hereby declared, as follows:—

1. Notwithstanding anything contained in paragraph 6 of the Trading with the Enemy Proclamation No. 2 transactions hereafter entered into by persons, firms or companies resident carrying on business or being in the United Kingdom

(a) in respect of banking business with a branch situated outside the United Kingdom of an enemy person, firm or company, or

(b) in respect of any description of business with a branch situated outside the United Kingdom of an enemy bank,

shall be considered as transactions with an enemy:

Provided that the acceptance, payment or other dealing with any negotiable instrument which was drawn before the date of this Proclamation shall not, if otherwise lawful, be

deemed to be a transaction hereafter entered into within the meaning of this paragraph.

2. The power to grant licenses on Our behalf vested by paragraph 8 of the Trading with the Enemy Proclamation No. 2 in a Secretary of State, or the Board of Trade, may also be exercised by the Lords Commissioners of Our Treasury.

3. If the Governor in Council of any British possession shall issue a Proclamation extending the provisions of this Proclamation to transactions by persons, firms or companies resident carrying on business or being in that possession such first mentioned Proclamation shall have effect as if it were part of this Proclamation.

4. This Proclamation shall be read as one with the Trading with the Enemy Proclamation No. 2, and with our Proclamation dated the 8th day of October amending the same.

Given at Our Court at Buckingham Palace this seventh day of January, in the year of Our Lord one thousand nine hundred and fifteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.

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No. 126

*Fourth Supplement to the London Gazette of 5th January, 1915;  
8th January, 1915.*

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Order of His Majesty in Council further amending Proclamation of 10th November, 1914, respecting the Export of certain Commodities.

AT THE COUNCIL CHAMBER, WHITEHALL, THE  
8TH DAY OF JANUARY, 1915.

BY THE LORDS OF HIS MAJESTY'S MOST HONOURABLE PRIVY  
COUNCIL.

WHEREAS it is provided by Section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or

Order in Council made under Section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

AND WHEREAS it is provided by Section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under Section one of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

AND WHEREAS by a Proclamation, dated the 10th day of November, 1914, and made under Section 8 of the Customs and Inland Revenue Act, 1879, and Section one of the Exportation of Arms Act, 1900, and Section one of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited:

AND WHEREAS by an Order of Council, dated the 5th day of December, 1914, the said Proclamation was varied and added to in certain particulars:—

AND WHEREAS there was this day read at the Board a recommendation from the Board of Trade to the following effect:—

That the Proclamation, dated the 10th day of November, 1914, as varied and added to by the said Order of Council, dated the 5th day of December, 1914, should be amended by making the following additions to and alterations in the same:—

- (1) That the prohibition of the carriage coastwise of “Animals, pack, saddle and draught, suitable for use in war” should be removed.
- (2) That “Tea” should be deleted from the list of articles the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of France, Russia (except Baltic ports) Belgium, Spain, and Portugal.
- (3) That “Cocoa” should be added to the list of articles the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of France, Russia, (except Baltic ports), Belgium, Spain, and Portugal.



- (4) That "Jewelled draw-plates for drawing steel wire" should be added to the list of articles the exportation of which is prohibited to all destinations abroad other than British possessions and protectorates.

NOW THEREFORE, their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

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No. 127

*Canada Gazette, 23rd January, 1915.*

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**Appointment of Registrar of Alien Enemies.**

*Ottawa, 11th January, 1915.*

A. J. RUSSELL SNOW, of the City of Toronto, in the Province of Ontario, Esquire, one of His Majesty's Counsel learned in the law: to be Registrar of Alien Enemies for the said City of Toronto, pursuant to the authority of the Order in Council of 28th October, 1914, respecting Alien Enemies, in the room and stead of His Honour Judge Coatsworth, resigned.

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No. 128

*Extra Canada Gazette, 20th January, 1915.*

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**Proclamation extending Scope of prohibitions relating to Trading with the Enemy.**

ARTHUR.

[L.S.] CANADA.

George the Fifth, by the Grace of God, of the  
United Kingdom of Great Britain and Ireland and

of the British Dominions beyond the Seas, KING,  
Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the  
same may in any wise concern,—Greeting:

### A PROCLAMATION.

W. STUART EDWARDS, for Deputy Minister of Justice, Canada.	}	WHEREAS in and by para- graph 3 of Our Proclamation (Imperial) relating to trading with the enemy, and bearing date the 7th day of January, 1915, scheduled hereto, it is provided, amongst other things, that if the Governor in Council of any British possession shall issue a proclamation extending the provisions of Our first mentioned proclamation to transactions by persons, firms or companies resident, carrying on business or being in that possession, such last mentioned proclamation shall have effect as if it were part of such first mentioned proclamation;
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AND WHEREAS Our Governor in Council has recommended  
in effect that the provisions of the said first mentioned proclama-  
tion be proclaimed to extend to transactions by persons, firms  
or companies resident, carrying on business or being within  
Canada,—

NOW THEREFORE We have thought fit by and with the  
advice of Our Privy Council for Canada to proclaim and declare  
and We do hereby proclaim and declare that the provisions of  
the said first mentioned proclamation shall extend to transactions  
by persons, firms or companies resident, carrying on business or  
being within Canada.

Of all which Our loving subjects and all others whom these  
presents may concern, are hereby required to take notice and  
govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our  
Letters to be made Patent, and the Great Seal of  
Canada to be hereunto affixed. WITNESS, Our Most  
Dear and Entirely Beloved Uncle and Most Faithful  
Counsellor, Field Marshal His Royal Highness  
Prince Arthur William Patrick Albert, Duke  
of Connaught and of Strathearn, Earl of Sussex (in  
the Peerage of the United Kingdom), Prince of the  
United Kingdom of Great Britain and Ireland,  
Duke of Saxony, Prince of Saxe-Coburg and

Gotha; Knight of Our Most Noble Order of the Garter; Knight of Our Most Ancient and Most Noble Order of the Thistle; Knight of Our Most Illustrious Order of Saint Patrick; one of Our Most Honourable Privy Council; Great Master of Our Most Honourable Order of the Bath; Knight Grand Commander of Our Most Exalted Order of the Star of India; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Commander of Our Most Eminent Order of the Indian Empire; Knight Grand Cross of Our Royal Victorian Order; Our Personal Aide-de-Camp; Governor General and Commander in Chief of Our Dominion of Canada.

At our Government House, in Our City of Ottawa, this Fifteenth day of January, in the year of Our Lord one thousand nine hundred and fifteen, and in the fifth year of Our Reign.

By command,

THOMAS MULVEY,  
Under-Secretary of State.

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## SCHEDULE.

BY THE KING.

A PROCLAMATION RELATING TO TRADING WITH  
THE ENEMY.

GEORGE R.I.

WHEREAS by Our proclamation dated the 9th day of September, 1914, called the trading with the enemy proclamation number two, certain prohibitions as therein more specifically set forth, were imposed upon all persons therein referred to;

AND WHEREAS by Our proclamation dated the 8th day of October, 1914, the trading with the enemy's proclamation number two was amended as therein more specifically set forth;

AND WHEREAS by Our proclamation dated the 5th day of November, 1914, it was declared that the aforesaid proclamations amongst others, should apply to the state of war existing between Us and the Sultan of Turkey;



AND WHEREAS it is desirable to extend the scope of the prohibitions contained in the aforesaid proclamations in the manner hereinafter appearing:—

NOW THEREFORE, We have thought fit by and with the advice of Our Privy Council, to issue this Our Royal Proclamation, declaring, and it is hereby declared as follows:—

1. Notwithstanding anything contained in paragraph 6 of the trading with the enemy proclamation number two, transactions hereinafter entered into by persons, firms or companies resident, carrying on business or being in the United Kingdom (A) in respect to banking business with a branch situated outside the United Kingdom of an enemy person, firm or company, or (B) in respect to any description of business with a branch situated outside the United Kingdom of an enemy bank shall be considered as transactions with an enemy;

Provided that the acceptance, payment or other dealing with any negotiable instrument which was drawn before the date on which this proclamation is published shall not, if otherwise lawful be deemed to be transaction hereinafter entered into within the meaning of this paragraph.

2. The power to grant licenses on Our behalf vested by paragraph 8 of the trading with the enemy proclamation number two, in a Secretary of State, or the Board of Trade, may also be exercised by the Lords Commissioners of Our Treasury.

3. If the Governor in Council of any British possession shall issue a proclamation extending the provisions of this proclamation to transactions by persons, firms or companies resident, carrying on business, or being in that possession such first mentioned proclamation shall have effect as if it were part of this proclamation.

4. This proclamation shall be read as one with the trading with the enemy proclamation number two, and with Our proclamation, dated the eighth day of October, amending the same.

Given at Our Court at Buckingham Palace, this 7th day of January, in the year of Our Lord one thousand nine hundred and fifteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.

## No. 129

*Canada Gazette, 30th January, 1915.*

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Order in Council respecting the exportation of certain  
commodities.

[162]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Saturday, the 23rd day of January, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council, under and in virtue of the provisions of sections 291 and 242 of The Customs Act, is pleased to order and it is hereby ordered as follows, viz.:—

1. The exportation from Canada of tinned meats and tinned plates to Sweden, Denmark and the Netherlands is prohibited.

2. The exportation from Canada of tea, clover and grass seeds, motor vehicles of all kinds and their component parts, to all foreign ports in Europe and on the Mediterranean and Black seas, other than those of France, Russia (except the Baltic ports), Belgium, Spain and Portugal, is prohibited.

3. The exportation from Canada of aniline oil, aniline salt, picric acid and its component parts, extracts for use in tanning, explosives of all kinds, valonia, grindery used in the making of boots and shoes; vessels, craft and boats of all kinds, floating docks and their component parts; also, whale oil, viz.:—train, blubber, sperm or head matter, to all destinations except to the United Kingdom or any British possession, is prohibited.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.





# APPENDICES



## APPENDIX A.

*(Reprinted from Cd 4175 presented to both Houses of Parliament of the United Kingdom, July, 1908, the names of the sovereign authorities joining therein being omitted.)*

### **The Sixth Convention of the second Peace Conference held at The Hague in 1907.**

Anxious to ensure the security of international commerce against the surprises of war, and wishing, in accordance with modern practice, to protect as far as possible operations undertaken in good faith and in process of being carried out before the outbreak of hostilities, have resolved to conclude a Convention to this effect, and have appointed as their Plenipotentiaries, that is to say:

#### (NAMES OF PLENIPOTENTIARIES.)

Who, after having deposited their full powers, found to be in good and due form, have agreed upon the following provisions:—

#### ARTICLE 1.

When a merchant-ship belonging to one of the belligerent Powers is at the commencement of hostilities in an enemy port, it is desirable that it should be allowed to depart freely, either immediately, or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated to it.

The same principle applies in the case of a ship which has left its port of departure before the commencement of the war and has entered a port belonging to the enemy while still ignorant that hostilities had broken out.

#### ARTICLE 2.

A merchant-ship which, owing to circumstances beyond its control, may have been unable to leave the enemy port within the period contemplated in the preceding Article, or which was not allowed to leave, may not be confiscated.

The belligerent may merely detain it, on condition of restoring it after the war, without payment of compensation, or he may requisition it on condition of paying compensation.

#### ARTICLE 3.

Enemy merchant-ships which left their last port of departure before the commencement of the war, and are encountered on the high seas while still ignorant of the outbreak of hostilities may not be confiscated. They are merely liable to be detained on condition



that they are restored after the war without payment of compensation; or to be requisitioned, or even destroyed, on payment of compensation, but in such case provision must be made for the safety of the persons on board as well as the preservation of the ship's papers.

After touching at a port in their own country or at a neutral port, such ships are subject to the laws and customs of naval war.

#### ARTICLE 4.

Enemy cargo on board the vessels referred to in Articles 1 and 2 is likewise liable to be detained and restored after the war without payment of compensation, or to be requisitioned on payment of compensation, with or without the ship.

The same principle applies in the case of cargo on board the vessels referred to in Article 3.

#### ARTICLE 5.

The present Convention does not refer to merchant-ships which show by their build that they are intended for conversion into war-ships.

#### ARTICLE 6.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

#### ARTICLE 7.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have acceded to the Convention. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

## ARTICLE 8.

Non-Signatory Powers may accede to the present Convention.

A Power which desires to accede notifies its intention in writing to the Netherland Government, forwarding to it the act of accession, which shall be deposited in the archives of the said Government.

The said Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of accession, mentioning the date on which it received the notification.

## ARTICLE 9.

The present Convention shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently or which shall accede, sixty days after the notification of their ratification or of their accession has been received by the Netherland Government.

## ARTICLE 10.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only operate in respect to the denouncing Power, and only on the expiry of one year after the notification has reached the Netherland Government.

## ARTICLE 11.

A register kept by the Netherland Ministry for Foreign Affairs shall record the date of the deposit of ratifications effected in virtue of Article 7, paragraphs 3 and 4, as well as the date on which the notifications of accession (Article 8, paragraph 2) or of denunciation (Article 10, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single original, which shall remain deposited in the archives of the Netherland Government, and of which duly certified copies shall be sent, through the diplomatic channel, to the Powers invited to the Second Peace Conference.

**Enemy Merchant-ships at the outbreak of hostilities.**

*Reprinted from "The Hague Peace Conferences" by A. Pearce Higgins, LL.D., Cambridge University Press, 1909.*

**ARTICLE 1.**

The first Article states that *it is desirable* that merchant-ships belonging to one of the belligerents at the commencement of hostilities in an enemy port should be allowed to depart freely at once, or after a sufficient number of days of grace, and after being furnished with a pass to proceed direct to a port indicated. The words *de faveur* were added to *delai* at the request of the British delegate to show that the granting of the period of delay was not obligatory. By six to five, the Committee rejected the Swedish proposal to grant the days of grace for the purpose of allowing a ship to complete the unloading or loading of her cargo, other than contraband.

The practice of granting of days of grace remains therefore as it was before the Conference. The Powers have recognized its *desirability*, but no merchant-ship can demand it, nor will there be a legal ground of complaint if all enemy merchant-ships within a belligerent's ports at the outbreak of war are ordered to leave immediately or after a "sufficient" period. Whether the expression "it is desirable" will be considered as equivalent to a command remains to be seen, States will probably act in the future as they have acted in the past. Captain Ottley stated that the British Government had every intention of adhering to the practice which it had observed during the past 50 years in granting days of grace, subject always to the reservation that the time allowed should not compromise its national interests. It was doubtless with a similar mental reservation that the other Powers accepted this Article. States will in the future as in the past consult their own interests in this matter, but their interests may not infrequently involve a consideration for the interests of neutrals. Each state will determine for itself whether the desire to injure its enemy by detaining his merchant-ships, which might be of the greatest value as auxiliary ships for the fleet, will "prevail over the fear of offending neutrals by causing a great dislocation of trade in which some of them are sure to be interested."

The second paragraph of Article 1 recognizes that it is desirable to allow days of grace to a ship which left its last port of departure before the commencement of the war and entered an enemy port in ignorance of the existence of hostilities. This has been the practice of states since the Crimean War. If such a ship has been visited by an enemy cruiser and an entry made in its log-book, that will be conclusive against its claim to any exemption from capture.

**ARTICLE 2.**

Article 2 deals with the case of enemy ships of commerce unable to leave within the allotted time, or not permitted to leave. Such vessels would formerly have been liable to confiscation. Under this Article they cannot be confiscated, but are to be kept and handed



back to the owners at the conclusion of the war, or if they are requisitioned, compensation is to be made.

### ARTICLE 3.

Article 3 exempts from capture enemy merchantmen met on the high seas which left their last port of departure before the outbreak of war and are in ignorance of its existence. They may be requisitioned or even destroyed subject to indemnities being paid. If they are aware of the outbreak of war, they can still be confiscated. This Article encountered considerable opposition from Germany and Russia, and at the Seventh Plenary Meeting of the Conference Baron Marschall von Bieberstein said: "The German Delegation is of opinion that these provisions establish an inequality between states in imposing financial burdens on those Powers which, in default of naval stations in different parts of the world, are not in a position to take vessels which they have seized into a port, but find themselves compelled to destroy them." Germany and Russia made a reservation of this Article in signing the Convention.

The German delegate (Dr. Kriege) had previously explained the views of his Government in Committee. Only the Powers, he said, which possess naval stations in different parts of the world can regularly exercise this right of seizure. Other Powers will often be unable to take ships they detain into port, and will have to destroy them, and therefore to bear the cost of such vessels; they will therefore have their financial burdens unduly increased as against Powers able to take such vessels into port and retain them till the end of the war. It would appear that Germany and Russia by not accepting this Article retain the right to capture enemy merchant-ships on the high seas which have left their last port before the outbreak of war, subject to any modifications which they may make by proclamation at the commencement of war. Furthermore German and Russian merchant-ships will under similar circumstances also remain liable to be captured subject to a like modification by the other belligerent (see Article 6).

The Article is an amelioration of the strict rules of existing law though it falls short of recent practice. The exemption from capture provided by it will probably be found however not to be of much value in practice, as it will not often happen under modern conditions that ships will long remain in ignorance of the existence of war in any part of the world. The permission to destroy vessels ignorant of the existence of war was inserted on the suggestion of the Italian delegate to meet the case of states unable to take such vessels into their own ports for detention. Provision must be made for the safety of the persons and papers on board such ships.

### ARTICLE 4.

Article 4 provides that enemy cargo on the vessels mentioned in Articles 1, 2 and 3 is subject to the same treatment as the vessel. Germany and Russia made reservations on the second paragraph of

the Article relating to cargoes on board the enemy merchantmen referred to in Article 3. The provision relating to cargo must be read subject to the Declaration of Paris.

#### ARTICLE 5.

Article 5 imposes an important limitation on the foregoing Articles which it declares are inapplicable to merchant-ships whose construction indicates that they are destined for conversion into war-ships. This Article was inserted at the instance of the British delegate Lord Reay. The words originally proposed were, "Navires marchands ennemis susceptibles d'être transformés en vaisseaux de combat." This was altered by the Comité de rédaction to "Navires marchands qui ont été désignés d'avance pour être transformés en bâtiments de guerre." This phraseology was objected to by the German delegate who contended that all steamships not only the great ocean-liners but smaller craft, might be of use in war for purpose of mine-laying and other subsidiary operations. He moved the rejection of the whole Article. This was opposed by the British and Japanese delegates. The French and Swedish delegates contended that ships of the class intended were always constructed under special orders of a Government, but the Belgian delegate denied this and desired to modify the phrase by substituting "susceptibles d'après leur état pour d'être" etc., but this was rejected and the motion of the German delegate for the rejection of the Article was carried by 8 votes to 5 with 2 abstentions. At a subsequent meeting, on the proposition of the Swedish delegate, the Article was restored in the form in which it now appears. Russia and Germany have accepted this Article. The discussion however, brought out the difficulties that may be expected to arise in construing the language in which the Article is framed, "dont la construction indique qu'ils sont destinés à être transformés en bâtiments de guerre." The terms of this Article recall those of the Treaty of Washington whereby Great Britain and the United States agreed to use due diligence to prevent the fitting out, arming or equipping within the jurisdiction of either of the Powers of any vessel "which it has reasonable ground to believe is intended to *cruise or to carry on war*" against a Power with which it is at peace. The two Governments could not agree as to the meaning of this language; is there a likelihood of agreement on the meaning of the words "merchant-ships whose construction indicates that they are intended for conversion to war-ships"? "Experts are perfectly able to distinguish vessels built primarily for warlike use," says Mr. Hall, writing of the words cited from the Treaty of Washington, "but it is otherwise with many vessels primarily fitted for commerce. Perhaps few fast ships are altogether incapable of being so used as to inflict damage to trade. . . . Mail steamers of large size are fitted by their strength and build to receive, without much special adaptation, one or two guns of sufficient calibre to render the ships carrying them dangerous cruisers against merchantmen." Subsidized liners were the ships the Committee appear to have had in view; in the case of other vessels M. Fromageot states "the build (construction) of ships must

serve to indicate the eventual destination." The vessels referred to in the Article are not "primarily built for war-like use" but for commerce; will it be equally easy for experts to distinguish such of these as were built with a view to their eventual conversion into ships of war? Furthermore, what is a ship of war?

The important alteration made in the rules of international law by the Convention is the abrogation of the rule of confiscation of enemy merchant-ships found in a belligerent port at the outbreak of war, unless they are "ships whose construction indicates that they are intended for conversion into warships," but these can be requisitioned and must be paid for. Even if such ships are detained until the end of the war, and not used, immense loss will still be occasioned to their owners. The important qualification of Article 5 will probably considerably limit the application of this Convention.

#### SIGNATORY POWERS AND RESERVATIONS.

The only Powers which have not signed this Convention are the United States, China and Nicaragua. The United States' refusal is based on the ground that the Convention is an unsatisfactory compromise between those who believe in the existence of a right and those who refuse to recognise the legal validity of the custom which has grown up in recent years. "The Convention cannot be called progressive, for it questions a custom which seems generally established, and its adoption would seem to sanction less liberal and enlightened practice." The reservations of Germany and Russia, the only two Powers making any, have already been dealt with.



## APPENDIX B.

27 - 28 VICTORIA.

### CHAPTER XXV.

An Act for regulating Naval Prize of War.

[23rd June, 1864.]

**W**HEREAS it is expedient to enact permanently, with Amendments, such Provisions concerning Naval Prize, and Matters connected therewith, as have heretofore been usually passed at the beginning of a War:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

#### PRELIMINARY.

1. This Act may be cited as The Naval Prize Act, 1864.

2. In this Act—

The Term "the Lords of the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "the High Court of Admiralty" means the High Court of Admiralty of England:

The Term "any of Her Majesty's Ships of War" includes any of Her Majesty's Vessels of War, and any hired armed Ship or Vessel in Her Majesty's Service:

The Term "Officers and Crew" includes Flag Officers, Commanders, and other Officers, Engineers, Seamen, Marines, Soldiers, and others on board any of Her Majesty's Ships of War:

The Term "Ship" includes Vessel and Boat, with the Tackle, Furniture, and Apparel of the Ship, Vessel, or Boat:

The Term "Ship Papers" includes all Books, Passes, Sea Briefs, Charter Parties, Bills of Lading, Cockets, Letters, and other Documents and Writings delivered up or found on board a captured ship:

The Term "Goods" includes all such Things as are by the Course of Admiralty and Law of Nations the Subject of Adjudication as Prize (other than Ships.).

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#### 1.—PRIZE COURTS.

3. The High Court of Admiralty, and every other Court of Admiralty or of Vice-Admiralty, or other Court exercising Admiralty Jurisdiction in Her Majesty's Dominions, for the Time being author-

ized to take cognizance of and judicially proceed in Matters of Prize, shall be a Prize Court within the Meaning of this Act.

Every such Court, other than the High Court of Admiralty, is comprised in the Term "Vice-Admiralty Prize Court", when hereafter used in this Act.

#### HIGH COURT OF ADMIRALTY.

**4.** The High Court of Admiralty shall have Jurisdiction throughout Her Majesty's Dominions as a Prize Court.

The High Court of Admiralty as a Prize Court shall have Power to enforce any Order or Decree of a Vice-Admiralty Prize Court, and any Order or Decree of the Judicial Committee of the Privy Council in a Prize Appeal.

#### APPEAL; JUDICIAL COMMITTEE.

**5.** An Appeal shall lie to Her Majesty in Council from any Order or Decree of a Prize Court, as of Right in case of a Final Decree, and in other Cases with the Leave of the Court making the Order or Decree.

Every Appeal shall be made in such Manner and Form and subject to such Regulations (including Regulations as to Fees, Costs, Charges, and Expenses) as may for the Time being be directed by Order in Council, and in the Absence of any such Order, or so far as any such Order does not extend, then in such Manner and Form and subject to such Regulations as are for the Time being prescribed or in force respecting Maritime Causes of Appeal.

**6.** The Judicial Committee of the Privy Council shall have Jurisdiction to hear and report on any such Appeal, and may therein exercise all such Powers as for the Time being appertain to them in respect of Appeals from any Court of Admiralty Jurisdiction, and all such Powers as are under this Act vested in the High Court of Admiralty, and all such Powers as were wont to be exercised by the Commissioners of Appeal in Prize Causes.

**7.** All Processes and Documents required for the Purposes of any such Appeal shall be transmitted to and shall remain in the Custody of the Registrar of Her Majesty in Prize Appeals.

**8.** In every such Appeal the usual Inhibition shall be extracted from the Registry of Her Majesty in Prize Appeals within Three Months after the Date of the Order or Decree appealed from if the Appeal be from the High Court of Admiralty, and within six months after that Date if it be from a Vice-Admiralty Prize Court.

The Judicial Committee may, nevertheless, on sufficient Cause shown, allow the Inhibition to be extracted and the Appeal to be prosecuted after the Expiration of the respective Periods aforesaid.

## VICE-ADMIRALTY PRIZE COURTS.

**9.** Every Vice-Admiralty Prize Court shall enforce within its Jurisdiction all Orders and Decrees of the Judicial Committee in Prize Appeals and of the High Court of Admiralty in Prize Causes.

**10.** Her Majesty in Council may grant to the Judge of any Vice-Admiralty Prize Court a Salary not exceeding Five Hundred Pounds a Year, payable out of Money provided by Parliament, subject to such Regulations as seem meet.

A Judge to whom a Salary is so granted shall not be entitled to any further Emolument, arising from Fees or otherwise, in respect of Prize Business transacted in his Court.

An Account of all such Fees shall be kept by the Registrar of the Court, and the Amount thereof shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

**11.** In accordance, as far as Circumstances admit, with the Principles and Regulations laid down in The Superannuation Act, 1859, Her Majesty in Council may grant to the Judge of any Vice-Admiralty Prize Court an annual or other Allowance, to take effect on the Termination of his Service, and to be payable out of money provided by Parliament.

**12.** The Registrar of every Vice-Admiralty Prize Court shall, on the First Day of January and First Day of July in every Year, make out a Return (in such Form as the Lords of the Admiralty from time to time direct) of all Cases adjudged in the Court since the last half-yearly Return, and shall with all convenient speed send the same to the Registrar of the High Court of Admiralty, who shall keep the same in the Registry of that Court, and who shall as soon as conveniently may be, send a Copy of the Returns of each Half Year to the Lords of the Admiralty, who shall lay the same before both Houses of Parliament.

## GENERAL.

**13.** The Judicial Committee of the Privy Council, with the Judge of the High Court of Admiralty, may from Time to Time frame General Orders for regulating (subject to the Provisions of this Act) the Procedure and Practice of Prize Courts, and the Duties and Conduct of the Officers thereof and of the Practitioners therein, and for regulating the Fees to be taken by the Officers of the Courts, and the Costs, Charges, and Expenses to be allowed to the Practitioners therein.

Any such General Orders shall have full Effect, if and when approved by Her Majesty in Council, but not sooner or otherwise.

Every Order in Council made under this Section shall be laid before both Houses of Parliament.

Every such Order in Council shall be kept exhibited in a conspicuous Place in each Court to which it relates.



**14.** It shall not be lawful for any Registrar, Marshal, or other Officer of any Prize Court, or for the Registrar of Her Majesty in Prize Appeals, directly or indirectly to act or be in any Manner concerned as Advocate, Proctor, Solicitor, or Agent, or otherwise, in any Prize Cause or Appeal, on pain of Dismissal or Suspension from Office, by Order of the Court or of the Judicial Committee (as the Case may require.)

**15.** It shall not be lawful for any Proctor or Solicitor, or Person practising as a Proctor or Solicitor, being employed by a Party in a Prize Cause or Appeal, to be employed or concerned, by himself or his Partner, or by any other Person, directly or indirectly, by or on behalf of any adverse Party in that Cause or Appeal, on pain of Exclusion or Suspension from Practice in Prize Matters, by Order of the Court or of the Judicial Committee (as the Case may require).

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## II.—PROCEDURE IN PRIZE CAUSES.

### PROCEEDINGS BY CAPTORS.

**16.** Every Ship taken as Prize, and brought into Port within the Jurisdiction of a Prize Court, shall forthwith, and without Bulk broken, be delivered up to the Marshal of the Court.

If there is no such Marshal, then the Ship shall be in like Manner delivered up to the principal Officer of Customs at the Port.

The Ship shall remain in the Custody of the Marshal, or of such Officer, subject to the Orders of the Court.

**17.** The Captors shall, with all practicable Speed after the Ship is brought into Port, bring the Ship Papers into the Registry of the Court.

The Officer in Command, or One of the Chief Officers of the capturing Ship, or some other Person who was present at the Capture, and saw the Ship Papers delivered up or found on board, shall make Oath that they are brought in as they were taken, without Fraud, Addition, Subduction, or Alteration, or else shall account on Oath to the Satisfaction of the Court for the Absence or Altered Condition of the Ship Papers or any of them.

Where no Ship Papers are delivered up or found on board the captured Ship, the Officer in Command, or One of the Chief Officers of the capturing Ship, or some other Person who was present at the Capture, shall make Oath to that Effect.

**18.** As soon as the Affidavit as to Ship Papers is filed, a Monition shall issue, returnable within Twenty Days from the Service thereof, citing all Persons in general to show Cause why the captured Ship should not be condemned.

**19.** The Captors shall, with all practicable Speed after the captured Ship is brought into Port, bring Three or Four of the principal Persons belonging to the captured Ship before the Judge of the Court or some Person authorized in this Behalf, by whom they shall be examined on Oath on the Standing Interrogatories.

The Preparatory Examinations on the Standing Interrogatories shall, if possible, be concluded within Five Days from the Commencement thereof.

**20.** After the Return of the Monition, the Court shall, on Production of the Preparatory Examinations and Ship Papers, proceed with all convenient Speed either to condemn or to release the captured Ship.

**21.** Where, on Production of the Preparatory Examinations and Ship Papers, it appears to the Court doubtful whether the captured Ship is good Prize or not, the Court may direct further Proof to be adduced, either by affidavit or by Examination of Witnesses, with or without Pleadings, or by Production of further Documents; and on such further Proof being adduced the Court shall with all convenient Speed proceed to Adjudication.

**22.** The foregoing Provisions, as far as they relate to the Custody of the Ship, and to Examination on the Standing Interrogatories, shall not apply to Ships of War taken as Prize.

#### CLAIM.

**23.** At any Time before Final Decree made in the Cause, any Person claiming an Interest in the Ship may enter in the Registry of the Court a Claim, verified on Oath.

Within Five Days after entering the Claim, the Claimant shall give Security for Costs in the Sum of Sixty Pounds; but the Court shall have Power to enlarge the Time for giving Security, or to direct Security to be given in a larger Sum, if the Circumstances appear to require it.

#### APPRAISEMENT.

**24.** The Court may, if it thinks fit, at any Time direct that the captured Ship be appraised.

Every Appraisement shall be made by competent Persons sworn to make the same according to the best of their Skill and Knowledge.

#### DELIVERY ON BAIL.

**25.** After Appraisement, the Court may, if it thinks fit, direct that the captured Ship be delivered up to the Claimant, on his giving Security to the Satisfaction of the Court to pay to the Captors the appraised Value thereof in case of condemnation.

## SALE.

**26.** The Court may at any Time, if it thinks fit, on account of the Condition of the captured Ship, or on the Application of a Claimant, order that the captured Ship be appraised as aforesaid (if not already appraised), and be sold.

**27.** On or after Condemnation the Court may, if it thinks fit, order that the Ship be appraised as aforesaid (if not already appraised), and be sold.

**28.** Every Sale shall be made by or under the Superintendence of the Marshal of the Court or of the Officer having the Custody of the captured Ship.

**29.** The Proceeds of any Sale, made either before or after Condemnation, and after Condemnation the appraised Value of the captured Ship, in case she has been delivered up to a Claimant on Bail, shall be paid under an Order of the Court either into the Bank of England to the Credit of Her Majesty's Paymaster General, or into the Hands of an Official Accountant (belonging to the Commissariat or some other Department) appointed for this purpose by the Commissioners of Her Majesty's Treasury or by the Lords of the Admiralty, subject in either Case to such Regulations as may from Time to Time be made, by Order in Council, as to the Custody and Disposal of Money so paid.

## SMALL ARMED SHIPS.

**30.** The Captors may include in One Adjudication any Number, not exceeding Six, of armed Ships not exceeding One hundred Tons each, taken within Three Months next before Institution of Proceedings.

## GOODS.

**31.** The foregoing Provisions relating to Ships shall extend and apply, *mutatis mutandis*, to Goods taken as Prize on board Ship; and the Court may direct such Goods to be unladen, inventoried, and warehoused.

## MONITION TO CAPTORS TO PROCEED.

**32.** If the Captors fail to institute or to prosecute with Effect Proceedings for Adjudication, a Monition shall, on the Application of a Claimant, issue against the Captors, returnable within Six Days from the Service thereof, citing them to appear and proceed to Adjudication; and on the Return thereof the Court shall either forthwith proceed to Adjudication or direct further Proof to be adduced as aforesaid, and then proceed to Adjudication.



## CLAIM ON APPEAL.

**33.** Where any Person, not an original Party, in the Cause, intervenes on appeal, he shall enter a Claim, verified on Oath, and shall give Security for Costs.

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## III.—SPECIAL CASES OF CAPTURE

## LAND EXPEDITIONS.

**34.** Where, in an Expedition of any of His Majesty's Naval or Naval and Military Forces against a Fortress or Possession on Land, Goods belonging to the State of the Enemy or to a Public Trading Company of the Enemy exercising Powers of Government are taken in the Fortress or Possession, or a Ship is taken in Waters defended by or belonging to the Fortress or Possession, a Prize Court shall have Jurisdiction as to the Goods or Ship so taken, and any Goods taken on board the Ship, as in case of Prize.

## CONJUNCT CAPTURE WITH ALLY.

**35.** Where any Ship or Goods is or are taken by any of Her Majesty's Naval or Naval and Military Forces while acting in conjunction with any Forces of any of Her Majesty's Allies a Prize Court shall have Jurisdiction as to the same as in case of Prize, and shall have Power, after Condemnation, to apportion the due share of the Proceeds to Her Majesty's Ally, the proportionate Amount and the Disposition of which Share shall be such as may from Time to Time be agreed between Her Majesty and Her Majesty's Ally.

## JOINT CAPTURE.

**36.** Before Condemnation, a Petition on behalf of asserted joint Captors shall not (except by special Leave of the Court) be admitted, unless and until they give Security to the Satisfaction of the Court to contribute to the actual Captors a just Proportion of any Costs, Charges, or Expenses or Damages that may be incurred by or awarded against the actual Captors on account of the Capture and Detention of the Prize.

After Condemnation, such a Petition shall not (except by special Leave of the Court) be admitted unless and until the asserted joint Captors pay to the actual Captors a just Proportion of the Costs, Charges, and Expenses incurred by the actual Captors in the Case, and give such Security as aforesaid, and show sufficient Cause to the Court why their Petition was not presented before Condemnation.

Provided, that nothing in the present Section shall extend to the asserted Interest of a Flag Officer claiming to share by virtue of his Flag.

## OFFENCES AGAINST LAW OF PRIZE.

**37.** A Prize Court, on Proof of any Offence against the Law of Nations, or against this Act, or any Act relating to Naval Discipline, or against any Order in Council or Royal Proclamation, or of any Breach of Her Majesty's Instructions relating to Prize, or of any Act of Disobedience to the Orders of the Lords of the Admiralty, or to the Command of a Superior Officer, committed by the Captors in relation to any Ship or Goods taken as Prize, or in relation to any Person on board any such Ship, may, on Condemnation, reserve the Prize to Her Majesty's Disposal, notwithstanding any Grant that may have been made by Her Majesty in favour of Captors.

## PRE-EMPTION.

**38.** Where a Ship of a Foreign Nation passing the Seas laden with Naval or Victualling Stores intended to be carried to a Port of any Enemy of Her Majesty is taken and brought into a Port of the United Kingdom, and the Purchase for the Service of Her Majesty of the Stores on board the Ship appears to the Lords of the Admiralty expedient without the Condemnation thereof in a Prize Court, in that Case, the Lords of the Admiralty may purchase on the Account or for the Service of Her Majesty, all or any of the Stores on board the Ship; and the Commissioners of Customs may permit the Stores purchased to be entered and landed within any Port.

## CAPTURE BY SHIP OTHER THAN A SHIP OF WAR.

**39.** Any Ship or Goods taken as Prize by any of the Officers and Crew of a Ship other than a Ship of War of Her Majesty shall, on Condemnation belong to Her Majesty in Her Office of Admiralty.

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IV.—PRIZE SALVAGE.

**40.** Where any Ship or Goods belonging to any of Her Majesty's Subjects, after being taken as Prize by the Enemy, is or are retaken from the Enemy by any of Her Majesty's Ships of War, the same shall be restored by Decree of a Prize Court to the Owner, on his paying as Prize Salvage One-Eighth Part of the Value of the Prize to be decreed and ascertained by the Court, or such Sum not exceeding One-Eighth part of the estimated Value of the Prize as may be agreed on between the Owner and the Re-captors, and approved by Order of the Court; Provided, that where the Re-capture is made under Circumstances of special Difficulty or Danger, the Prize Court may, if it thinks fit, award to the Re-captors as Prize Salvage a larger Part than One-Eighth Part, but not exceeding in any Case One-Fourth Part, of the Value of the Prize.



Provided also, that where a Ship after being so taken is set forth or used by any of Her Majesty's Enemies as a Ship of War, this Provision for Restitution shall not apply, and the Ship shall be adjudicated on as in other Cases of Prize.

**41.** Where a Ship belonging to any of Her Majesty's Subjects, after being taken as Prize by the Enemy, is retaken from the Enemy by any of Her Majesty's Ships of War, she may, with the Consent of the Re-captors, prosecute her voyage, and it shall not be necessary for the Re-captors to proceed to Adjudication till her Return to a Port of the United Kingdom.

The Master or Owner, or his Agent, may, with the Consent of the Re-captors, unload and dispose of the Goods on board the Ship before Adjudication.

In case the Ship does not, within Six Months, return to a Port of the United Kingdom, the Re-captors may nevertheless institute Proceedings against the Ship or Goods in the High Court of Admiralty, and the Court may thereupon award Prize Salvage as aforesaid to the Re-captors, and may enforce Payment thereof, either by Warrant of Arrest against the Ship or Goods, or by Monition and Attachment against the Owner.

#### V.—PRIZE BOUNTY.

**42.** If, in relation to any War, Her Majesty is pleased to declare, by Proclamation or Order in Council, Her Intention to grant Prize Bounty to the Officers and Crews of Her Ships of War, then such of the Officers and Crew of any of Her Majesty's Ships of War as are actually present at the taking or destroying of any armed Ship of any of Her Majesty's Enemies shall be entitled to have distributed among them as Prize Bounty a Sum calculated at the Rate of Five Pounds for each Person on board the Enemy's Ship at the beginning of the Engagement.

**43.** The Number of the Persons so on board the Enemy's Ship shall be proved in a Prize Court, either by the Examinations on Oath of the Survivors of the, or of any Three or more of the Survivors, or if there is no Survivor by the Papers of the Enemy's Ship, or by the Examinations on Oath of Three or more of the Officers and Crew of Her Majesty's Ship, or by such other Evidence as may seem to the Court sufficient in the Circumstances.

The Court shall make a Decree declaring the Title of the Officers and Crew of Her Majesty's Ship to the Prize Bounty, and stating the Amount thereof.

The Decree shall be subject to Appeal as other Decrees of the Court.

**44.** On Production of an official Copy of the Decree the Commissioners of Her Majesty's Treasury shall, out of Money provided by Parliament, pay the Amount of Prize Bounty decreed, in such Manner as any Order in Council may from Time to Time direct.



## VI.—MISCELLANEOUS PROVISIONS.

## RANSOM.

**45.** Her Majesty in Council may from Time to Time, in relation to any War, make such Orders as may seem expedient, according to circumstances, for prohibiting or allowing, wholly or in certain Cases, or subject to any Conditions or Regulations or otherwise, as may from Time to Time seem meet, the ransoming or the entering into any Contract or Agreement for the ransoming of any Ship or Goods belonging to any of Her Majesty's Subjects, and taken as Prize by any of Her Majesty's Enemies.

Any Contract or Agreement entered into, and any Bill, Bond, or other Security given for Ransom of any Ship or Goods, shall be under the exclusive Jurisdiction of the High Court of Admiralty as a Prize Court (subject to Appeal to the Judicial Committee of the Privy Council), and if entered into or given in contravention of any such Order in Council shall be deemed to have been entered into or given for an illegal Consideration.

If any Person ransoms or enters into any Contract or Agreement for ransoming any Ship or Goods, in contravention of any such Order in Council, he shall for every such Offence be liable to be proceeded against in the High Court of Admiralty at the Suit of Her Majesty in Her Office of Admiralty, and on Conviction to be fined, in the Discretion of the Court, any Sum not exceeding Five hundred Pounds.

## CONVOY.

**46.** If the Master or other Person having the Command of any Ship of any of Her Majesty's Subjects, under the Convoy of any of Her Majesty's Ships of War, wilfully disobeys any lawful Signal, Instruction, or Command of the Commander of the Convoy, or without Leave deserts the Convoy, he shall be liable to be proceeded against in the High Court of Admiralty at the Suit of Her Majesty in Her Office of Admiralty, and upon Conviction to be fined, in the Discretion of the Court, any Sum not exceeding Five hundred Pounds, and to suffer Imprisonment for such Time, not exceeding One Year, as the Court may adjudge.

## CUSTOMS DUTIES AND REGULATIONS.

**47.** All Ships and Goods taken as Prize and brought into a Port of the United Kingdom shall be liable to and be charged with the same Rates and Charges and Duties of Customs as under any Act relating to the Customs may be chargeable on other Ships and Goods of the like Description; and

All Goods brought in as Prize which would on the voluntary Importation thereof be liable to Forfeiture or subject to any Restriction under the Laws relating to the Customs, shall be deemed to be so liable and Subject, unless the Commissioners of Customs see fit to authorize the Sale or Delivery thereof for Home Use or Exportation,

unconditionally or subject to such Conditions and Regulations as they may direct.

**48.** Where any Ship or Goods taken as Prize is or are brought into a Port of the United Kingdom, the Master or other Person in charge or command of the Ship which has been taken or in which the Goods are brought shall, on Arrival at such Port, bring to at the proper Place of Discharge, and shall, when required by any Officer of Customs, deliver an Account in Writing under his Hand concerning such Ship and Goods, giving such Particulars relating thereto as may be in his Power, and shall truly answer all Questions concerning such Ship or Goods asked by any such Officer, and in default shall forfeit a Sum not exceeding One hundred Pounds, such Forfeiture to be enforced as Forfeitures for Offences against the Laws relating to the Customs are enforced, and every such Ship shall be liable to such Searches as other Ships are liable to, and the Officers of the Customs may freely go on board such Ship and bring to the Queen's Warehouse any Goods on board the same, subject, nevertheless, to such Regulations in respect of Ships of War belonging to Her Majesty as shall from Time to Time be issued by the Commissioners of Her Majesty's Treasury.

**49.** Goods taken as Prize may be sold either for Home Consumption or for Exportation; and if in the former Case the Proceeds thereof, after Payment of Duties of Customs, are insufficient to satisfy the just and reasonable Claims thereon, the Commissioners of Her Majesty's Treasury may remit the whole or such Part of the said Duties as they see fit.

#### PERJURY.

**50.** If any person wilfully and corruptly swears, declares, or affirms falsely in any Prize Cause or Appeal, or in any Proceeding under this Act, or in respect of any Matter required by this Act to be verified on Oath, or suborns any other Person to do so, he shall be deemed guilty of Perjury, or of Subornation of Perjury (as the Case may be), and shall be liable to be punished accordingly.

#### LIMITATION OF ACTIONS, ETC.

**51.** Any Action or Proceeding shall not lie in any Part of Her Majesty's Dominions against any Person acting under the Authority or in the Execution or intended Execution or in Pursuance of this Act for any alleged Irregularity or Trespass, or other Act or Thing done or omitted by him under this Act, unless Notice in Writing (specifying the Cause of the Action or Proceeding) is given by the intending Plaintiff or Prosecutor to the intended Defendant One Month at least before the Commencement of the Action or Proceeding, nor unless the Action or Proceeding is commenced within Six Months next after the Act or Thing complained of is done or omitted, or, in case of a Continuation of Damage, within Six Months next after the doing of such Damage has ceased.



In any such Action the Defendant may plead generally that the Act or Thing complained of was done or omitted by him when acting under the Authority or in Execution or intended Execution or in pursuance of this Act, and may give all special matter in Evidence; and the Plaintiff shall not succeed if Tender of sufficient Amends is made by the Defendant before the Commencement of the Action; and in case no Tender has been made, the Defendant may, by Leave of the Court in which the Action is brought, at any Time pay into Court such Sum of Money as he thinks fit, whereupon such Proceeding and Order shall be had and made in and by the Court as may be had and made on the Payment of Money into Court in an ordinary Action; and if the Plaintiff does not succeed in the Action, the Defendant shall receive such full and reasonable Indemnity as to all Costs, Charges, and Expenses incurred in and about the Action as may be taxed and allowed by the proper Officer, subject to Review; and though a Verdict is given for the Plaintiff in the Action he shall not have Costs against the Defendant, unless the Judge before whom the Trial is had certifies his approval of the Action.

Any such Action or Proceeding against any Person in Her Majesty's Naval Service, or in the Employment of the Lords of the Admiralty, shall not be brought or instituted elsewhere than in the United Kingdom.

#### PETITIONS OF RIGHT.

**52.** A Petition of Right, under The Petition of Right Act, 1860, may, if the Suppliant thinks fit, be intituled in the High Court of Admiralty, in case the Subject Matter of the Petition or any material Part thereof arises out of the Exercise of any Belligerent Right on behalf of the Crown, or would be cognizable in a Prize Court within Her Majesty's Dominions if the same were a Matter in dispute between private Persons.

Any Petition of Right under the last-mentioned Act, whether intituled in the High Court of Admiralty or not, may be prosecuted in that Court, if the Lord Chancellor thinks fit so to direct.

The Provisions of this Act relative to Appeal, and to the framing and Approval of General Orders for regulating the Procedure and Practice of the High Court of Admiralty, shall extend to the Case of any such Petition of Right intituled or directed to be prosecuted in that Court; and, subject, thereto, all the Provisions of the Petitions of Right Act, 1860, shall apply, *mutatis mutandis*, in the case of any such Petition of Right; and for the Purposes of the present Section the Terms "Court" and "Judge" in that Act shall respectively be understood to include and to mean the High Court of Admiralty and the Judge thereof, and other Terms shall have the respective Meanings given to them in that Act.

#### ORDERS IN COUNCIL.

**53.** Her Majesty in Council may from Time to Time make such Orders in Council as seem meet for the better Execution of this Act.



**54.** Every Order in Council under this Act shall be published in the *London Gazette*, and shall be laid before both Houses of Parliament within Thirty Days after the making thereof, if Parliament is then sitting, and, if not, then within Thirty Days after the next Meeting of Parliament.

#### SAVINGS.

**55.** Nothing in this Act shall—

- (1.) give to the Officers and Crew of any of Her Majesty's Ships of War any Right or Claim in or to any Ship or Goods taken as Prize or the Proceeds thereof, it being the Intent of this Act that such Officers and Crews shall continue to take only such Interest (if any) in the Proceeds of Prizes as may be from Time to Time granted to them by the Crown; or
- (2.) affect the Operation of any existing Treaty or Convention with any Foreign Power; or
- (3.) take away or abridge the Power of the Crown to enter into any Treaty or Convention with any Foreign Power containing any Stipulation that may seem meet concerning any Matter to which this Act relates; or
- (4.) take away, abridge, or control, further or otherwise than as expressly provided in this Act, any Right, Power, or Prerogative of Her Majesty the Queen in right of Her Crown, or in right of Her Office of Admiralty, or any Right or Power of the Lord High Admiral of the United Kingdom, or of the Commissioners for executing the Office of Lord High Admiral; or
- (5.) take away, abridge, or control, further or otherwise than as expressly provided by this Act, the Jurisdiction or Authority of a Prize Court to take cognizance of and judicially proceed upon any Capture, Seizure, Prize, or Reprisal of any Ship or Goods, and to hear and determine the same, and, according to the Course of Admiralty and the Law of Nations, to adjudge and condemn any Ship or Goods, or any other Jurisdiction or Authority of or exerciseable by a Prize Court.

#### COMMENCEMENT.

**56.** This Act shall commence on the Commencement of The Naval Agency and Distribution Act, 1864.

57-58 VICTORIA.

CHAPTER 39.

An Act to make further provision for the establishment of Prize Courts, and for other purposes connected therewith.

[17th August, 1894.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Prize Courts Act, 1894. Short title.

2. —(1) Any commission, warrant, or instructions from Her Majesty the Queen or the Admiralty for the purpose of commissioning or regulating the procedure of a prize court at any place in a British possession may, notwithstanding the existence of peace, be issued at any time, with a direction that the court shall act only upon such proclamation as hereinafter mentioned being made in the possession. Constitution of prize courts in British possessions.

(2.) Where any such commission, warrant, or instructions have been issued, then, subject to instructions from Her Majesty, the vice-admiral of such possession may, when satisfied by information from a Secretary of State or otherwise, that war has broken out between Her Majesty and any foreign state, proclaim that war has so broken out, and thereupon, the said commission, warrant, and instructions shall take effect as if the same had been issued after the breaking out of such war and such foreign state were named therein.

(3) The said commission and warrant may authorize either a Vice-Admiralty Court, or a Colonial Court of Admiralty, within the meaning of the Colonial Courts of Admiralty Act, 1890, to act as a prize court, and may establish a Vice-Admiralty Court for that purpose. 53-54 V., c. 27.

(4) Any such commission, warrant, or instructions may be revoked or altered from time to time.

(5) A court duly authorized to act as a prize court during any war shall after the conclusion of the war continue so to act in relation to, and finally dispose of, all matters and things which arose during the war, including all penalties and forfeitures incurred during the war.

3.—(1) Her Majesty the Queen in Council may make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864, and this Act, the procedure and practice of prize courts within the meaning of that Act, and Rules of court for and fees in prize courts. 27-28 V., c. 25.

the duties and conduct of the officers thereof, and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges and expenses to be allowed to the practitioners therein.

(2.) Every rule so made shall, whenever made, take effect at the time therein mentioned, and shall be laid before both Houses of Parliament, and shall be kept exhibited in a conspicuous place in each court to which it relates.

27-28 V., c. 25. (3) This section shall be substituted for section thirteen of the Naval Prize Act, 1864, which section is hereby repealed.

53-54 V., c. 27. (4) If any Colonial Court of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890, is authorized under this Act or otherwise to act as a prize court, all fees arising in respect of prize business transacted in the court shall be fixed, collected, and applied in like manner as the fees arising in respect of the Admiralty business of the court under the said Act.

As to Vice-Admiralty Courts.

4. Her Majesty the Queen in Council may make rules of court for regulating the procedure and practice, including fees and costs, in a Vice-Admiralty Court, whether under this Act or otherwise.

Repeal of 39-40 Geo. 3, c. 79, s. 25.

5. Section twenty-five of the Government of India Act, 1800, is hereby repealed.

#### 4-5 GEORGE V.

#### CHAPTER 13.

### An Act to amend the Law relating to Procedure in Prize Courts.

[5th August, 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Procedure in prize courts. 57-58 Vict. c. 39. 27-28 Vict. c. 25.

1.—(1) As from the date when rules under an Order in Council made after the passing of this Act in pursuance of section three of the *Prize Courts Act, 1894*, regulating the procedure and practice in prize courts, come into operation, such of the provisions of the *Naval Prize Act, 1864*, as are specified in the Schedule to this Act (being enact-



ments relating to the practice and procedure in prize courts) shall be repealed:

Provided that nothing in such repeal shall have the effect of extending section sixteen of that Act to ships of war taken as prize, and accordingly that section shall have effect as if the following words were inserted therein:—  
“Nothing in this section shall apply to ships of war taken as prize.”

(2) Any cause or proceeding commenced in any prize court before such rules as aforesaid come into operation as respects that court may, as the court directs, be either—

- (a) recommenced and proceeded with in accordance with the said rules; or
- (b) continued in accordance with the said rules subject to such adaptations as the court may deem necessary to make them applicable to the case; or
- (c) continued to the determination thereof in accordance with the procedure applicable to the case at the commencement of the cause or proceeding.

**2.** This Act may be cited as the *Prize Courts (Procedure) Act, 1914*, and shall be construed as one with the *Naval Prize Act, 1864*; and that Act and the *Prize Courts Act, 1894*, and this Act may be cited together as the *Naval Prize Acts, 1864 to 1914*. Short title  
and  
construction.

## SCHEDULE.

### PROVISIONS OF NAVAL PRIZE ACT, 1864, REPEALED.

Sections 7 and 8, 18 to 29, 32, 33, and 36, and in section 41, the words “either by warrant of arrest against the ship or goods, or by monition and attachment against the owner.”

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## DESPATCHES FROM THE COLONIAL OFFICE WITH REFERENCE TO PRIZE COURTS.

### No. 1

**The Prize Court “Procedure” Act, 1914. Order in Council making Prize Court Rules.**

*Code. Telegram.*

*From Mr. Harcourt to the Governor General.*

LONDON, 13th August, 1914.

Following Act 4 and 5 George V, Chapter 13, passed by both Houses of Parliament and assented to by The King August 5th.

*Act begins.* An Act to amend the law relating to procedure in Prize Courts, Be it enacted, etcetera, as follows:—

“(1) As from the date when rules under an Order in Council made after the passing of this Act, in pursuance of section 3 of the Prize Court Act, 1894, regulating the procedure and practice in Prize Courts, came into operation, such of the provisions of the Naval Prize Act, 1864, as is specified in the schedule to this Act (being enactments relating to the practice and procedure in Prize Courts) shall be repealed;

Provided that nothing in such repeal shall have the effect of extending section 16 of that Act to ships of war taken as prize, and accordingly that section shall have effect as if the following words were inserted therein: “Nothing in this section shall apply to ships of war taken as prize.”

(2) Any cause or proceeding commenced in any Prize Court before such rules as aforesaid come into operation as respects that Court may, as the Court directs, be either:

- (a) Recommenced and proceeded with in accordance with the said rules, or
- (b) Continued in accordance with the said rules subject to such adaptations as the Court may deem necessary to make them applicable to the case; or
- (c) Continued to the determination thereof in accordance with the procedure applicable to the case at the commencement of the cause or proceeding.

2. This Act may be cited as the Prize Courts “Procedure” Act, 1914, and shall be construed as one with the Naval Prize Act, 1864; and that Act and the Prize Court Act, 1894, and this Act may be cited together as the Naval Prize Acts, 1864 to 1914.

#### SCHEDULE.

Provisions of Naval Prize Act, 1864, repealed.

Sections 7 and 8, 18 to 29, 32, 33 and 36, and in section 41, the words “either by war rate of arrest against the ship or goods, or by borrowing money and attachment against the owner.” Schedule ends.

Marginal note to Section 1. “Procedure in Prize Courts.”

Marginal note to Section 2. “Short title and construction.”

Following text:—“Order in Council prescribing the Rules and Tables of fees to be observed and taken in Prize proceedings. *Begins.* At the Court at Buckingham Palace, the Fifth day of August, 1914. Present the King’s Most Excellent Majesty in Council.

Whereas by Section 3 of the Prize Court Act, 1894, His Majesty in Council is authorized to make rules of court for regulating, subject to provisions of the Naval Prize Act, 1864, and the said Act, the procedure and practice of the Prize Court within the meaning of the Naval Prize Act, 1864, and the duties and conduct of the officers thereof and of the practitioners therein, and for regulating the fees to

be taken by the officers of the Courts, and the costs, charges, and expenses to be allowed to the practitioners therein;

And whereas by section 5 of the Naval Prize Act, 1864, it is (always) provided that every appeal from a Prize Court within the meaning of that Act shall be made in such manner and form and subject to such regulations (including regulations as to fees, costs, charges and expenses) as may for the time being be directed by order in council;

And whereas in pursuance of the Prize Court Act, 1894, certain rules were made by Order in Council dated the 18th day of July, 1898, and the 20th day of October, 1898;

And whereas it is expedient that the rules hereafter set out should be made, and should be substituted for the rules so made;

And whereas on account of urgency this order should come into immediate operation;

Now, therefore, His Majesty, by virtue of the powers in this behalf by the said Act or otherwise in Him vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:

- (1.) The rules hereinafter set forth shall as from the date on which they are expressed to come into operation have effect and shall be substituted for the rules made by the said orders in council dated the 18th day of July, 1898, and the 20th day of October, 1898, and the last mentioned rules are as from the same date hereby revoked.
- (2.) This order shall take effect from provisionally in accordance with the provisions of section 2 of the Rules Publication Act, 1893, from the date hereof.

(Signature) ALMERIC FITZROY.

New rules referred to in article 1 of the Order in Council are incorporated draft rules enclosed in my despatch which need no longer be treated as confidential except as follows:—

Page 6. Add at end of order 4 new paragraph as follows:—

(Always) provided that no affidavit shall be invalidated by reason only of a defect in form. *Ends.*

Page 15. In paragraph 4 insert after words "pleadings" line 4 words "Discovery by interrogatories."

Page 39. Order 46 now runs as follows:

*Begins.* Short title and commencement.

These rules may be cited as the Prize Court Rules, 1914, and shall come into operation immediately on the making thereof; except that, so far as they apply to any Court in a British possession outside the United Kingdom they shall not come into operation until they are proclaimed in the possession by the Governor thereof. *Ends.*



It is desirable that there should be no delay in bringing new Rules into force or in making effective as provided by Section 2, subsection 2, of Prize Court Act, 1894, warrants constituting as Prize Courts Exchequer Court of Canada at Halifax and Victoria and Court at Quebec, Charlottetown and St. John, to which reference was made in my predecessor's despatch *General* of December, 1899.

(Signed)—HARCOURT.

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No. 2

**Application of Hague Convention in respect to German and other merchant vessels in British ports at outbreak of the war.**

*Code.*

*Mr. Harcourt to the Governor General.*

LONDON, August 19th, 1914.

August 19th. His Majesty's Government are advised that as regards German merchant vessels in British ports at outbreak of war or entering in ignorance of hostilities His Majesty's Government are bound under articles two, four first paragraph, and five of Hague Convention number six of October 18th, 1907, but they are not bound under articles three and four second paragraph as to which Germany made reserves. His Majesty's Government are advised that there is no contradiction between article nine Order in Council August 4th regarding detention merchant vessels and the convention as though ships are liable to capture and adjudication the adjudication need not be followed by condemnation, see prize rules order twenty-eight, rule one. This has been explained to Government of United States and should be brought to notice Prize Courts. At the same time it might be well to inform Prize Courts that at midnight, August 7th, Secretary of State for Foreign Affairs formally notified Lords Commissioners of the Admiralty that articles three to eight of Order in Council would not come into operation as regards Germany. Further telegram will be sent respecting Austrian ships.

(Signed) HARCOURT.

## No. 3

**Application of Hague Convention in respect to Austro-Hungarian merchant ships.***Code.**Mr. Harcourt to the Governor General.*

LONDON, August 21st, 1914.

August 21st. Prize Courts should be informed that Secretary of State for Foreign Affairs notified Lords Commissioners of the Admiralty August 15th, that articles three to eight of Order in Council of August 4th which was extended to Austro-Hungarian merchant vessels by proclamation dated August 12th, would come into operation with regard to (?) Austro-Hungarian ships. These articles will accordingly (?) come into operation in accordance with the provisions of the Order in Council and the proclamation of August 12th referred to in my telegram of 14th August.

(Signed) HARCOURT.

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No. 4**Advising that Declaration of London with certain additions and modifications is put in force.***Code.**Mr. Harcourt to the Governor General.*

LONDON, August 22nd, 1914.

August 22nd. Following is text of Order in Council August 20th in relation to Declaration of London. *Begins.*—At the Court at Buckingham Palace, the 20th day of August, 1914. Present, The King's Most Excellent Majesty in Council. Whereas during the present hostilities the Naval Forces of His Majesty will co-operate with the French and Russian Naval Forces, and whereas it is desirable that the Naval operations of the allied Forces so far as they affect neutral ships and commerce should be conducted on similar principles, and whereas the Governments of France and Russia have informed His Majesty's Government that during the present hostilities it is their intention to act in accordance with the provisions of the Convention known as the Declaration of London, signed on the 26th day of February, 1909, so far as may be practicable. Now, therefore, His Majesty by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that during the present hostilities the Convention known as the Declaration of London shall, subject to the following additions and modifications, be adopted and put in force by His Majesty's Government as if the same had been ratified by His Majesty the additions and modifications are as follows:—

(1) The list of absolute and conditional contraband contained in the proclamation dated August 4th, 1914, shall be substituted for the lists contained in articles twenty-two and twenty-four of the said Declaration.

(2) A neutral vessel which succeeded in carrying contraband to the enemy with false papers may be detained for having carried such contraband if she is encountered before she has completed her return voyage.

(3) The destination referred to in article thirty-three may be inferred from any sufficient evidence, and (in addition to the presumption laid down in article thirty-four) shall be presumed to exist if the goods are consigned to or for an agent of the enemy state or to or for a merchant or other person under the control of the authorities of the enemy state.

(4) The existence of a blockade shall be presumed to be known (a) to all ships which sailed from or touched at an enemy port a sufficient time after the notification of a blockade to the local authorities to have enabled the enemy Government to make known the existence of the blockade, (b) to all ships which sailed from or touched at a British or Allied port after the publication of the Declaration of blockade.

(5) Notwithstanding the provisions of article thirty-five of the said Declaration, conditional on contraband, if shown to have the destination referred to in article thirty-three, is liable to capture to whatever port the vessel is bound and at whatever port the cargo is to be discharged.

(6) The general report of the drafting committee on the said Declaration presented to the Naval conference and adopted by the conference at the eleventh Plenary (?) meeting on February 25th, 1909, shall be considered by all Prize Courts as an authoritative statement of the meaning and intention of the said Declaration, and such courts shall construe and interpret the provisions of the said Declaration by the light of the commentary (?) given therein. And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's principal Secretaries of State, the President of the Probate, Divorce and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's prize courts, and all Governors, officers and authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain. Almeric Fitzroy. *Ends.*

(Signed) HARCOURT.



## No. 5.

**Enquiry regarding Prize Courts in Canada.***Code.**Mr. Harcourt to the Governor General.*

LONDON, August 25th, 1914.

August 25th. With reference to my telegram of August 13th Prize Courts, please telegraph immediately what Prize Courts have been proclaimed and whether new rules inclosed in draft in my despatch of 5th December, 1913, as altered in accordance with my telegram of 13th August, have been brought into force and who has been authorized to act as proper officer of the Crown as defined in order one rule one of new rules.

(Signed) HARCOURT.

## No. 6.

**Confirming telegraphic despatch of August 19th, 1914, respecting jurisdiction of Prize Courts over enemy ships liable to detention under the Hague Convention.**

CANADA.

No. 658.

DOWNING STREET, 28 August, 1914.

SIR,—With reference to my telegram of the 19th instant, I have the honour to request Your Royal Highness to inform your Ministers that His Majesty's government referred to the Law Officers of the Crown, the question of the jurisdiction of Prize Courts over enemy ships which were liable merely to detention under the provisions of the Hague Convention No. VI of 1907.

2. The advice of the Law Officers of the Crown is that it is clear from such cases as *Lindo v. Rodney* 2 Douglas 613 that British Prize Courts have been accustomed to exercise jurisdiction in respect of ships of the enemy found in British Ports at the outbreak of war, the reason for such jurisdiction being that such ships are dealt with under the exercise of the *jus belli*. No change has been made in the jurisdiction of the Prize Courts and all that has been effected by the Hague Convention No. VI of 1907 is that the parties to that Convention have agreed upon a less rigorous method of treatment of such vessels than was formerly in vogue. The jurisdiction of the Prize Court is not affected and the result of the Convention is merely to vary the order which the Prize Court will make. In the opinion therefore of the Law Officers the British Prize Courts have jurisdiction to deal with such vessels and should exercise their jurisdiction by making

orders for detention in the manner contemplated in Order XXVIII of the New British Prize Court rules.

I have the honour to be,

Sir,

Your Royal Highness's most obedient,  
humble Servant,

(Signed) L. HARCOURT.

Governor General, His Royal Highness  
The Duke of Connaught and of Strathearn,  
K.G., K.T., K.P., etc., etc., etc.

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No. 7.

**Notice with respect to procedure to be followed by persons applying for release of cargoes other than enemy cargoes on enemy ships captured as prizes.**

*Code.*

*Mr. Harcourt to the Governor General.*

LONDON, August 28th, 1914.

August 28th. With reference to my telegram of 25th August following notice has been issued by registrar prize courts Great Britain and Ireland.

*Begins.* All persons having any interest in cargoes other than enemy cargoes laden on enemy ships captured as prizes and requiring a release of such cargoes or portion of cargoes should make inquiries in London at the office of His Majesty's Procurator General Treasury Chambers Whitehall and at the outports of the United Kingdom at the offices of the agents for His Majesty's Procurator General whose addresses can be obtained from the collectors of customs at such outports. His Majesty's Procurator General will require proof of ownership and particulars as to freight whether paid or unpaid. *Ends.*

Notice of course only applies to ships in the ports of the United Kingdom. You should arrange issue of similar notice substituting for His Majesty's Procurator General the proper officer of the Crown within the jurisdiction of the prize courts or such other person as local circumstances may make convenient and report by telegram when you have done so. In this connection see order thirteen of new prize court rules and my telegram of 25th August. It is assumed that arrangements will be made in suitable cases for the early release under order thirteen of British on neutral cargoes. As regards advertisement by registrars in pursuance of order two rule twenty-one please telegraph from time to time name of vessel in respect of which writs have been issued and served with date for appearance in each case.

(Signed) HARCOURT.

## No. 8.

**Advice respecting the release of goods consigned to British or neutral ports by British merchants in enemy ships.**

*Code.*

*Mr. Harcourt to the Governor General.*

LONDON, August 29th, 1914.

August 29th. His Majesty's Government are advised that goods consigned to British or neutral ports by British merchants in enemy's ships which left ports before outbreak of war may be released at the instance of owner under order thirteen of new prize rules unless such goods are contraband of war shown to have enemy destination. Goods consigned to persons in enemy country should not be released unless shipped at risk of consignor and before outbreak of war. Where shipped at risk of consignee goods liable to confiscation as enemy property. In such cases goods should not be released even if it is desired to assist British claimant since latter would not secure good title property being in consignees. Recommend in such cases that goods should be condemned and vested in Crown which could then be released (?) if thought fit to consigners who could appear in proceedings for condemnation and urge equitable claims. You should communicate this to proper officer of the Crown.

(Signed) HARCOURT.

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No. 9.

**Respecting personal effects and wages of officers and men of captured ships.**

*Code.*

*Mr. Harcourt to the Governor General.*

LONDON, September 5th, 1914.

September 5th. Authority has been given to His Majesty's Procurator General to hand over to officers and men of any captured ships their clothing and personal effects of ordinary kind reserving for special consideration in each case any articles of exceptional kinds or values. General authority has been given to pay from any moneys belonging to the ship but not otherwise the wages of officers and crews of captured ships up to date of seizure in harbour or in case of capture on the high seas of arrival in harbour. Where any special circumstances arise from conduct of the men or otherwise which might be considered to disentitle them to receive their wages the matter is to be specially considered similar authority should be given by you to proper officer of the Crown.

(Signed) HARCOURT.



## No. 10.

**Procedure with respect to ships taken on high seas, such prizes being distinguished from droits of admiralty.**

*Code.*

*Mr. Harcourt to the Governor General.*

LONDON, September 5th, 1914.

September 5th. With reference to your telegram of 3rd July His Majesty's Government are advised that in cases of ships taken on the high seas proceedings before prize courts should be commenced and conducted by proper officer of the Crown in the name of the Crown and that such ships are prize and not to be droits to Admiralty such droits consisting of captures made at sea by non-commissioned vessels and all captures made in port other than of vessels coming in upon revolt from the enemy or driven in by one of His Majesty's ships of war.

(Signed) HARCOURT.

## No. 11.

**Form used by Customs authorities notifying release of enemy seamen on parole.**

CANADA.

No. 702.

DOWNING STREET, 14th September, 1914.

SIR,—With reference to my telegram of the 11th September on the subject of the provisions of Article five paragraph two and articles six and seven of the Hague Convention No. XI with regard to restrictions on the exercise of the right of capture in maritime war, I have the honour to transmit to Your Royal Highness for the information of your Ministers, a copy of the form used by the Customs authorities in this country for notifying the release of enemy seamen on parole.

I have the honour to be,

Sir,

Your Royal Highness's most obedient,  
humble servant,

(Signed) L. HARCOURT.

Governor General

His Royal Highness

The Duke of Connaught and of Strathearn, K.G., K.T., K.P.,  
G.C.B., G.C.S.I., G.C.M.G., G.C.I.E., G.C.V.O.,  
etc., etc., etc.

*Report on the Release, on giving the required Undertaking, of Officers and Crew of Captured Enemy Ship.*

Name of Captured Ship.....

Nationality.....

Port at which detained.....

Names of Persons Released.	Rank (i.e. Master, Officer, or Member of Crew.)	Subject of	Date upon which required Undertaking was given.

.....  
*Secretary or Assistant Secretary.*

CUSTOM HOUSE, LONDON, 191....

To the Under Secretary of State,  
Foreign Office, S.W.

\_\_\_\_\_  
No. 12.

**Contraband declared by German and Austro-Hungarian Governments as in Declaration of London.**

No. 728.

DOWNING STREET, 23rd September, 1914.

SIR,—With reference to my despatch No. 711 of the 17th instant I have the honour to request Your Royal Highness to inform your Ministers that the Secretary of State for Foreign Affairs has received communications from the United States Ambassador informing him that during the present hostilities the German and Austro-Hungarian Governments will treat as absolute or conditional contraband those

objects and materials which are enumerated in Articles 22 and 24 of the Declaration of London.

I have the honour to be,

Sir,

Your Royal Highness's most obedient,  
humble servant,

(Signed) L. HARCOURT.

Governor General

His Royal Highness

The Duke of Connaught and of Strathearn, K.G., K.T., K.P.  
etc., etc., etc.

No. 13.

**Instructions given the Governor General of Australia with respect to goods from an enemy country imported on consignment for sale into His Majesty's Dominions in British ships.**

*Code.*

*Mr. Harcourt to the Governor General.*

LONDON, September 23rd, 1914.

September 23rd. Governor General of Australia having asked me whether goods from an enemy country imported in British ships on consignment for sale is being seized as enemy property following telegram has been sent in reply *Begins* goods from enemy country imported into His Majesty's Dominions in British ships (to?) on consignment for sale are *primâ facie* enemy cargo and unless this *primâ facie* presumption is negated by clear evidence of British, Allied or neutral ownership should be seized and adjudicated on by the Prize Courts which will decide according to rules of (evidence?) applicable in such cases in whom property is vested and whether owner is alien enemy in accordance with (principle of?) domicile. If goods are condemned as enemy's goods and any British, Allied or Neutral interest is involved question of making some grant to British, Allied or Neutral subjects concerned can be considered afterwards with due regard to equities and general circumstances of case. Above remarks apply only to goods seized on board ships in which they have been imported. In alternative cases of goods having been landed on Australian soil no question of prize arises. Goods are private enemy property found on territory of a belligerent at outbreak of war which according to rule generally accepted adopted by His Majesty's Government in the present war is not liable to confiscation though if the goods are of such a nature that they may be useful for military purposes they may be requisitioned provided compensation is paid at end of war.

(Signed) HARCOURT.



## No. 14.

**Requesting information from time to time with respect to captured and detained ships.**

*Code.*

*Mr. Harcourt to the Governor General.*

LONDON, September 26th, 1914.

With reference to my telegram of August 28th in addition to telegraphing from time to time particulars as to captured and detained enemy ships and as to issue of writs please telegraph from time to time corresponding particulars as to ships whose cargoes are detained in whole or in part. It would be convenient also if you would telegraph briefly from time to time results of all prize courts proceedings and if you could further arrange to send by mail full reports of all such proceedings.

(Signed) HARCOURT.

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## No. 15.

**Advice regarding payment of freight, etc., by British owners desiring to recover cargo in enemy ship in a neutral port.**

*Code.*

*Mr. Harcourt to the Governor General.*

LONDON, 28th September, 1914.

September 28th. With reference to my telegram of 10th September notification inserted in the *London Gazette* of September 25th recites (?) paragraphs five and eight of trading with enemy proclamation and announces that British owners of cargo now lying in a neutral port in a ship owned by an enemy may for purposes of obtaining possession of such cargo pay freight and other necessary charges to the agent of the ship-owner at such port.

(Signed) HARCOURT.

## No. 16.

**Text of Order in Council of September 30th amending Prize Court Rules.***Code.**Mr. Harcourt to the Governor General.*

LONDON, October 3rd, 1914.

October 3rd. With reference to my despatch No. 617 of the 12th August, following Order in Council was passed September 30th. *Begins.*

Whereas by section 3 of the Prize Court Act, 1894, His Majesty in Council is authorized to make rules of court for regulating subject to the provisions of the Naval Prize Act, 1864, and the said Act, the procedure and practice of Prize Courts within the meaning of the Naval Prize Act, 1864, and the duties and conduct of the officers thereof and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges and expenses to be allowed to the practitioners therein; and whereas in pursuance of the Prize Court Act, 1894, certain rules were made by His Majesty's Order in Council dated fifth day of August, 1914; and whereas it is expedient that the said rules should be amended; and whereas on account of urgency this order should come into immediate operation; now, therefore, His Majesty, by virtue of the powers in this behalf by the said Act or otherwise in him vested, is pleased by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. That in Order twenty-eight (Detention) of the said rules, rule three shall be omitted and this omission shall be retrospective and shall take effect as if the said rule had never been inserted in the said rules.

2. That in Order twenty-nine (Requisitions by Admiralty) of the said rules the following words shall be omitted:—

In rules one and three the words “on motion.” In rule one, the words “form of notice of motion will be found in appendix A number fifty-four.” In rule four, the words “by motion.”

3. That the following rules shall be added to the aforesaid Order twenty-nine, after rule four thereof:—

4. (a) Notwithstanding anything contained in this Order, the court shall on the request of the proper officer of the Crown accept in lieu of payment into Court an undertaking in writing signed by the proper officer of the Crown for payment into Court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under rule four of this order, as the case may be, at such time or times as the court shall declare by order that the same or any part thereof is required for the purpose of payment out of court.

4. (b) Where in any case of requisition under this order it is made to appear to the judge on behalf of the Crown that the Lords of the Admiralty desire to requisition for the ship temporarily, the court may, in lieu of an order of release, make an order for the temporary delivery of the ship to the Lords of the Admiralty, and subject as

aforesaid the provisions of this order shall apply to such a requisition; always provided that, in the event of the return of the ship to the custody of the court, the court may make such order as it thinks fit for the return to the Crown of the money paid into Court, or some or any part thereof, or the release of the undertaking given on behalf of the Crown or the return of the amount undertaken to be paid thereby, as the case may be; and provided also that, where the ship so requisitioned is subject to the provision of order twenty-eight rule one relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered during such temporary delivery as aforesaid.

4. That form number fifty-four in Appendix A to the said rules shall be omitted.

5. This order shall take effect provisionally in accordance with provisions of section 2 of the rules publication (of ?) Act, 1893, from the date hereof. Almeric Fitzroy.

(Signed) HARCOURT.

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No. 17.

**Postponement of sale of prize ships pending further instructions.**

*Code.*

*Mr. Harcourt to the Governor General.*

LONDON, October 22nd, 1914.

October 22nd. All sales of prize ships should be postponed if possible pending further instructions which will be sent as soon as possible.

(Signed) HARCOURT.

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No. 18.

**Form of indemnity to be given by applicants for the release of prize cargoes.**

CANADA.

No. 860.

DOWNING STREET, 6 November, 1914.

SIR,—I have the honour to transmit to Your Royal Highness, for the information of your Ministers, a copy of the form of indemnity to



be given by applicants for the release of Prize cargoes, which is used in the Procurator General's Department in this country.

I have the honour to be,

Sir,

Your Royal Highness's most obedient  
humble servant,

L. HARCOURT.

Governor General

His Royal Highness

The Duke of Connaught and of Strathearn, K.G., K.T., K.P.,  
etc., etc., etc.

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IN PRIZE.

SS. \_\_\_\_\_

WHEREAS the undermentioned goods have been seized as prize:

AND WHEREAS \_\_\_\_\_ claims to be entitled to the goods hereafter described and has requested the Procurator General to consent to an Order for the release to him of the said goods:—

AND WHEREAS the Procurator General is willing upon receiving the following indemnity (and subject to such other conditions (if any) as may have been arranged between the parties) to consent to such an Order:—

Now in consideration of the Procurator General agreeing to give such consent the said \_\_\_\_\_ undertakes to indemnify the Procurator General whether on his own behalf or on behalf of the Crown or on behalf of the Admiralty Marshal or of any officer or official of the Crown or of the Prize Court or of any person acting under the authority or instructions of the same or of any one or more of them against all petitions (including petitions of right) claims proceedings actions or demands for or in respect or on account of the goods or any part thereof or any proceeds thereof or arising directly or indirectly out of or connected with the seizure detention or release of the goods or any part thereof and against all costs damages and expenses in respect of the premises.

Description of goods above referred to.

Witness to the signature of }  
the said }

We join in this indemnity.

## No. 19.

**Instructions for guidance of Collectors of Customs regarding seizure of enemy goods temporarily landed in Britain by neutral ships for transhipment abroad.**

*Telegram Code.*

*Mr. Harcourt to the Governor General.*

LONDON, 12th November, 1914.

November 12th. Question having arisen whether Collectors of Customs should seize enemy goods which are temporarily landed in the country for the purpose of transhipment abroad, His Majesty's Government are advised as follows:—

There can be no doubt that enemy goods can be seized as prize in port. Goods do not necessarily escape from jurisdiction of Prize Courts merely because they are put on quay or in warehouse if they can still be regarded as cargo of a ship in which they could properly be seized. Enemy goods landed at British Ports in course of transit from enemy ports whether shipped on through bills of lading or under instructions to tranship and issue new bills of lading are therefore liable to seizure as prize while within the ordinary limits of the port whether port be that in which they have been landed or that from which they are to be re-embarked. Seizures of this kind should however only be made sparingly and with circumspection. Crown will not in any case ask for more than detention in case of goods in port at outbreak of war. If there are any instances of enemy goods brought in by neutral ships for transhipment it would be advisable if possible to avoid making any seizure while goods are on quay or in warehouse.

(Signed) HARCOURT.

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No. 20.

**Advising that Prize Court warrants should be made effective as regards Turkey.**

*Code.*

*Mr. Harcourt to the Governor General.*

LONDON, November 13th, 1914.

November 13th. With reference to my telegram of 13th August and my telegram of 5th November you should not overlook necessity for further proclamation under section 2, subsection 2 of Prize Court Act, 1894, to make prize court warrants effective as regards Turkey.

(Signed) HARCOURT.

## No. 21.

## Alien enemy may appear before Prize Court.

Code.

*Mr. Harcourt to the Governor General.*

LONDON, November 16th, 1914.

November 16th. Mowe President Probate Divorce Admiralty Division High Court directed in pursuance of order XLV prize court rules 1914. *Begins*—That whenever an (?) alien enemy conceives that he is entitled to any protection privilege or relief under any of the Hague Conventions of 1907 he shall be entitled to appear as a claimant and to argue his claim before that court the grounds of his claim will be stated in the affidavit to lead to appearance which is required to be filed by order three rule 5 of the Prize Court rules 1914—*ends*. Attention of Principal Judge of prize courts should be drawn to this see in this connection definition of president in order one rule one court also ruled that word port in Hague Convention 6 of 1907 must be construed in its usual and limited popular or commercial sense as a place where ships are in the habit of coming to load or unload embark or disembark.

(Signed) HARCOURT.

## No. 22.

## Transmitting copies of Convention with France with respect to joint captures.

CANADA.

No. 914.

DOWNING STREET, 23rd November, 1914.

SIR,—I have the honour to transmit to Your Royal Highness, for the information of your Ministers, copies of a convention with France signed on 9th November for determining the jurisdiction over joint captures which may be made during the present war by the Naval Forces of the allied countries and for regulating the distribution of the proceeds of joint captures.

I have the honour to be,

Sir,

Your Royal Highness's most obedient,  
humble servant,

(Signed) L. HARCOURT.

Governor General,

His Royal Highness

The Duke of Connaught and of Strathearn, K.G., K.T.,  
K.P., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E., G.C.V.O.,  
etc., etc., etc.



His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, being desirous to determine the jurisdiction to which the adjudication of joint captures which may be made during the course of the present war by the naval forces of the allied countries shall belong, or of captures which may be made of merchant vessels belonging to nationals of one of the countries by the cruisers of the other; and being desirous to regulate at the same time the mode of distribution of the proceeds of joint captures have named as their Plenipotentiaries for that purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Honourable Sir Edward Grey, a Baronet of the United Kingdom, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs; and

The President of the French Republic: His Excellency M. Paul Cambon, Ambassador of the French Republic at London;

Who, having reciprocally communicated their full powers, found in good and due form, have agreed upon the following articles:—

#### ARTICLE 1.

The adjudication of neutral or enemy prizes shall belong to the jurisdiction of the country of the capturing vessel, without distinguishing whether that vessel was placed under the orders of the naval authorities of one or other of the allied countries.

#### ARTICLE 2.

In case of the capture of a merchant-vessel of one of the allied countries, the adjudication of such capture shall always belong to the jurisdiction of the country of the captured vessel. In such case the cargo shall be dealt with, as to the jurisdiction, in the same manner as the vessel.

When a merchant vessel of one of the allied countries, whose original destination was an enemy port, and which is carrying an enemy or neutral cargo liable to capture, has entered a port of one of the allied countries, the prize jurisdiction of that country is competent to pronounce the condemnation of the cargo. In such case the value of the goods, after deducting the necessary expenses, shall be placed to the credit of the Government of the allied country whose flag the merchant vessel flies.

#### ARTICLE 3.

When a joint capture shall be made by the naval forces of the allied countries, the adjudication thereof shall belong to the jurisdiction of the country whose flag shall have been borne by the officer having the superior command in the action.

## ARTICLE 4.

When a capture shall be made by a cruiser of one of the allied nations in the presence and in the sight of a cruiser of the other, such cruiser having thus contributed to the intimidation of the enemy and encouragement of the captor, the adjudication thereof shall belong to the jurisdiction of the actual captor.

## ARTICLE 5.

In case of condemnation under the circumstances described in the preceding articles:

1. If the capture shall have been made by vessels of the allied nations whilst acting in conjunction, the net proceeds of the prize, after deducting the necessary expenses, shall be divided into as many shares as there were men on board the capturing vessels, without reference to rank, and the shares of each ally as so ascertained shall be paid and delivered to such person as may be duly authorised on behalf of the allied Government to receive the same; and the allocation of the amount belonging to each vessel shall be made by each Government according to the laws and regulations of the country.

2. If the capture shall have been made by cruisers of one of the allied nations in the presence and in sight of a cruiser of the other, the division, the payment, and the allocation of the net proceeds of the prize, after deducting the necessary expenses, shall likewise be made in the manner above mentioned.

3. If, in accordance with article 2, paragraph 1, a capture, made by a cruiser of one of the allied countries, shall have been adjudicated by the Courts of the other, the net proceeds of the prize, after deducting the necessary expenses, shall be made over in the same manner to the Government of the captor, to be distributed according to its laws and regulations.

## ARTICLE 6.

The commanders of the vessels of war of the allied countries shall, with regard to the sending in and delivering up of prizes, conform to the instructions which are annexed to the present convention, and which the two Governments reserve to themselves the right to modify by common consent, if it should become necessary.

## ARTICLE 7.

When, with a view to the execution of the present convention, it shall become necessary to proceed to the valuation of a captured vessel of war, the calculation shall be according to the real value of the same; and the allied Government shall be entitled to delegate one or more competent officers to assist in the valuation. In case of disagreement, it shall be decided by lot which officer shall have the casting voice.



## ARTICLE 8.

The present convention shall be ratified, and the ratification shall be exchanged in London as soon as possible.

## ARTICLE 9.

The non-signatory allied Powers shall be invited to accede to the present convention.

A power which desires to accede shall notify its intention in writing to the Government of His Britannic Majesty who shall immediately forward to the Government of the French Republic a duly certified copy of the notification.

In witness whereof the respective Plenipotentiaries have signed the present convention, and have affixed thereto the seals of their arms.

Done at London, in duplicate, the 9th day of November, 1914.

(L.S.) E. GREY.

(L.S.) PAUL CAMBON.

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ANNEX.

Instructions to the Commanders of Ships of War of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the French Republic.

You will find enclosed a copy of a convention which was signed on the 9th November, 1914, between His Majesty the King of the United Kingdom of Great Britain and Ireland and the President of the French Republic, regulating the jurisdiction to which shall belong the adjudication of the captures made by the allied naval forces, or of the captures of merchant vessels belonging to the nationals of either of the two countries which shall be made by the cruisers of the other, as likewise the mode of distribution of the proceeds of such joint captures.

In order to ensure the execution of this convention, you will conform yourself to the following instructions:—

## ARTICLE 1.

Whenever, in consequence of a joint action, you are required to draw up the report or *procès-verbal* of a capture, you will take care to specify, with exactness, the names of the ships of war present during the action, as well as the names of their commanding officers, and, as far as possible, the number of men embarked on board those ships at the commencement of the action, without distinction of rank.

You will deliver a copy of that report or *procès-verbal* to the officer of the allied Power who shall have had the superior command



during the action, and you will conform yourself to the instructions of that officer, as far as relates to the measures to be taken for the conduct and the adjudication of the joint captures so made under his command.

If the action has been commanded by an officer of your nation, you will conform yourself to the regulations of your own country, and you will confine yourself to handing over to the highest officer in rank of the allied Power who was present during the action, a certified copy of the report or of the *procès-verbal* which you shall have drawn up.

## ARTICLE 2.

When you shall have effected a capture in presence and in sight of an allied ship of war, you will mention exactly, in the report which you will draw up when the capture is a ship of war, and in the report or *procès-verbal* of the capture when the prize is a merchant vessel, the number of men on board your ship at the commencement of the action, without distinction of rank, as well as the name of the allied ship of war which was in sight, and, if possible, the number of men embarked on board that ship, likewise without distinction of rank. You will deliver a certified copy of your report, or *procès-verbal*, to the commander of that ship.

## ARTICLE 3.

Whenever, in the case of a violation of a blockade, of the transport of contraband articles, of land or sea troops of the enemy, or of official despatches from or for the enemy, you find yourself under the necessity of stopping and seizing a merchant vessel of the allied nation, you will take care:

1. To draw up a report (or *procès-verbal*), stating the place, the date, and the motive of the arrest, the name of the vessel, that of the captain, the number of the crew; and containing besides an exact description of the state of the vessel and her cargo;

2. To collect and place in a sealed packet, after having made an inventory of them, all the ship's papers, such as registers, passports, charter-parties, bills of lading, invoices, and other documents calculated to prove the nature and the ownership of the vessel and of her cargo;

3. To place seals upon the hatches;

4. To place on board an officer, with such number of men as you may deem advisable, to take charge of the vessel, and to ensure its safe conduct;

5. To send the vessel to the nearest port belonging to the Power whose flag it carried;

6. To deliver up the vessel to the authorities of the port to which you shall have taken her, together with a duplicate of the report (or *procès-verbal*), and of the inventory above-mentioned, and with the sealed packet containing the ship's papers.

## ARTICLE 4.

The officer who conducts the captured vessel will procure a receipt proving his having delivered her up, as well as his having delivered the sealed packet and the duplicate of the report (or *procès-verbal*) and of the inventory above-mentioned.

## ARTICLE 5.

In case of distress, if the captured vessel is not in a fit state to continue its voyage, or in case the distance should be too great, the officer charged to conduct to a port of the allied Power a prize made on the merchant service of that Power, may enter a port of his own country, and he will deliver his prize to the local authority without prejudice to the ulterior measures to be taken for the adjudication of the prize. He will take care, in that case, that the report or *procès-verbal*, and the inventory which he shall have drawn up, as well as the sealed packet containing the ship's papers, be sent exactly to the proper Court of Adjudication.

E. GREY.

PAUL CAMBON.

## No. 23.

**Form of indemnity given by applicants for release of prize cargoes to be countersigned by recognized bank.**

CANADA.

No. 929.

DOWNING STREET, 26 November, 1914.

SIR,—

With reference to my despatch No. 860 of the 6th instant forwarding a copy of the form of indemnity to be given by applicants for the release of Prize cargoes which is in use in this country, I have the honour to request Your Royal Highness to inform your Ministers that it is the practice of His Majesty's Procurator General to require this indemnity to be countersigned by a recognized Bank, who sign below the words which have been added at the end:—

“We join in this indemnity.”

I have the honour to be,

Sir,

Your Royal Highness's most obedient  
humble servant,

(Signed) L. HARCOURT.

Governor General,

His Royal Highness

The Duke of Connaught and of Strathearn, K.G., K.T., K.P.,  
etc., etc., etc.

## No. 24.

**Reporting passage of Order-in-Council November 28th embodying rules given provisional operation by Order of September 30th.**

*Code.*

*Mr. Harcourt to the Governor General.*

LONDON, December 2nd, 1914.

December 2nd. With reference to my telegram of the 3rd October prize court rules Order-in-Council passed November 28th embodying rules to which provisional operation was given under section two of Rules Publication Act, 1893, by order of September 30th.

(Signed) HARCOURT.

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No. 25.

**Transmitting copies of above Order in Council of 28th November, 1914.**

CANADA.

No. 955.

DOWNING STREET, 4 December, 1914.

SIR,—

With reference to my despatch No. 768 of the 7th October, and my telegram of this date, I have the honour to transmit to Your Royal Highness, for the information of your Ministers, copies of an Order in Council dated the 28th November, 1914, embodying the Prize Court Rules to which provisional operation was given under section 2 of the Rules Publication Act 1893 by the Order in Council of 30th September.

I have the honour to be,

Sir,

Your most obedient, humble servant,

(Signed) L. HARCOURT.

Governor General,

His Royal Highness

The Duke of Connaught and Strathearn, K.G., K.T., K.P.,  
etc., etc., etc.



AT THE COURT OF BUCKINGHAM PALACE, THE 28TH  
DAY OF NOVEMBER, 1914.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section three of the Prize Courts Acts, 1894, His Majesty in Council is authorized to make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864, and the said Act, the procedure and practice of prize courts, within the meaning of the Naval Prize Act, 1864, and the duties and conduct of the officers thereof and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein:

AND WHEREAS in pursuance of the Prize Courts Act, 1894, certain rules were made by His Majesty's Order in Council dated the 5th day of August, 1914:

AND WHEREAS His Majesty was pleased by His Order in Council dated the 30th day of September, 1914, to amend the said rules in the manner hereinafter appearing, and to direct that the said Order in Council should take effect provisionally in accordance with the provisions of Section 2 of the Rules Publication Act, 1893, from the date thereof:

AND WHEREAS the provisions of Section 1 of the last recited Act have been complied with in respect of such amendments:

NOW, THEREFORE, His Majesty, by virtue of the powers in this behalf by the Prize Courts Act, 1894, or otherwise in Him vested, is pleased to order, and it is hereby ordered as follows:—

1. That in Order XXVIII (Detention) of the said Rules, Rule 3 shall be omitted and this omission shall be retrospective and shall take effect as if the said Rule had never been inserted in the said Rules.

2. That in Order XXIX (Requisition by Admiralty) of the said Rules the following words shall be omitted:—

In Rules 1 and 3, the words "on motion".

In Rule 1, the words "Form of notice of motion will be found in Appendix A. No. 54".

In Rule 4, the words "by motion".

3. That the following Rules shall be added to the aforesaid Order XXIX, after Rule 4 thereof:—

4A. Notwithstanding anything contained in this Order, the Court shall on the request of the proper officer of the Crown accept in lieu of payment into Court an undertaking in writing signed by the proper officer of the Crown for payment into Court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under Rule 4 of this Order, as the case may be, at such time or times as the Court shall declare by Order that the same or any part thereof is required for the purpose of payment out of Court.

4B. Where in any case of requisition under this Order it is made to appear to the Judge on behalf of the Crown that the Lords of the

Admiralty desire to requisition the ship temporarily, the Court may, in lieu of an Order of Release, make an Order for the temporary delivery of the ship to the Lords of the Admiralty, and subject as aforesaid the provisions of this Order shall apply to such a requisition; provided that, in the event of the return of the ship to the custody of the Court, the Court may make such Order as it thinks fit for the return to the Crown of the money paid into Court, or some or any part thereof, or the release of the undertaking given on behalf of the Crown or the reduction of the amount undertaken to be paid thereby, as the case may be, and provided also that, where the ship so requisitioned is subject to the provisions of Order XXVIII Rule 1, relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered during such temporary delivery as aforesaid.

4. That Form No. 54 in Appendix A to the said Rules shall be omitted.

ALMERIC FITZROY.

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No. 26.

**Transmitting copies of second Order in Council of 28th November  
amending above Order in Council of same date.**

CANADA.

No. 961.

DOWNING STREET, 5th December, 1914.

SIR,—

In confirmation of my telegram of to-day's date I have the honour to transmit to Your Royal Highness for the information of your Ministers copy of an Order in Council of the 28th November effecting an addition to Rule 1 (1) in Order XXVII of the Prize Court Rules, 1914.

I have the honour to be,

Sir,

Your Royal Highness's most obedient  
humble servant,

(Signed) L. HARCOURT.

Governor General

His Royal Highness

The Duke of Connaught and of Strathearn, K.G., K.T., K.P.,  
etc. etc.

AT THE COURT AT BUCKINGHAM PALACE, THE 28TH  
DAY OF NOVEMBER, 1914.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Section three of the Prize Courts Act, 1894, His Majesty in Council is authorized to make Rules of Court for regulating subject to the provisions of the Naval Prize Act, 1864, and the said Act, the procedure and practice of Prize Courts, within the meaning of the Naval Prize Act, 1864, and the duties and conduct of the Officers thereof and of the Practitioners therein, and for regulating the fees to be taken by the Officers of the Courts, and the costs, charges, and expenses to be allowed to the Practitioners therein:

AND WHEREAS in pursuance of the Prize Courts Act, 1894, certain rules were made by His Majesty's Order in Council dated the 5th day of August, 1914, and amended by His Majesty's Order in Council of the 30th day of September, 1914, which said Rules, and amended Rules, were by the said Orders in Council directed to take effect provisionally in accordance with the provisions of Section two of the Rules Publication Act, 1893, from the dates of the said Orders in Council respectively:

AND WHEREAS the provisions of Section one of the Rules Publication Act, 1893, have been complied with in respect of the said Rules, and amended Rules, and the same were finally made by His Majesty's Orders in Council dated respectively the 17th day of September, 1914, and the 28th day of November, 1914:

AND WHEREAS it is expedient that the said Rules should be further amended:

AND WHEREAS on account of urgency this Order should come into immediate operation:

NOW, THEREFORE, His Majesty, by virtue of the powers in this behalf by the said Act or otherwise in Him vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. That in Order XXVII (Enforcement and Execution of Decrees and Orders) of the said Rules the following shall be added to Rule 1 (1):—

“ Provided that on the application of the proper Officer of the Crown the Court shall order delivery of the property to the Crown in lieu of sale, and if at the time of such application an Order for sale has already been made but no sale has taken place, the Order for sale shall be rescinded for the purpose of giving effect to such application, but the Order for delivery to the Crown, may, if the Court thinks fit, be made subject to payment by the Crown of such costs, expenses, or other sums, as might have been ordered to be paid out of the proceeds of sale if the property had been sold under Order of the Court.”



2. This Order shall take effect provisionally in accordance with the provisions of section two of the Rules Publication Act, 1893, from the date hereof.

ALMERIC FITZROY.

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No. 27.

**Instructions regarding the Printing of Prize Court decisions.**

CANADA.

No. 1023.

DOWNING STREET, 24th December, 1914.

SIR,—

With reference to the last paragraph of my despatch No. 846 of the 4th ultimo, I have the honour to suggest, for the consideration of Your Royal Highness's Ministers, that in the event of its being decided to print reports of Prize Court decisions in the Dominion, it would be convenient, for the sake of uniformity, if such reports could be printed in demi-quarto form, as Order XLIV r. 8 of the Prize Court Rules directs that the records in appeals to His Majesty in Council should be so printed.

I have, etc.,

L. HARCOURT.

Governor General

His Royal Highness

The Duke of Connaught and of Strathearn, K.G.,  
etc., etc., etc.

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No. 28.

**Transmitting copy of note addressed to the United States Ambassador in respect to the payment of freight and charges incurred in connection with the release of cargoes shipped by neutral shippers before the War.**

CANADA.

No. 1031.

DOWNING STREET, 31st December, 1914.

SIR,—

I have the honour to transmit to Your Royal Highness, for the information of your Ministers, copy of a note which has been addressed to the United States Ambassador, shewing the decisions at which His Majesty's Government have arrived in regard to the question of the payment of freight and charges incurred in connection with the release of cargoes shipped by neutral shippers before the War.

2. I should be glad if this note could be brought to the knowledge of the Prize Courts in the Dominion.

I have the honour to be,

Sir,

Your Royal Highness's most obedient  
humble Servant,

(Signed) L. HARCOURT.

Governor General

His Royal Highness

The Duke of Connaught and of Strathearn, K.G., K.T., K.P.,  
etc., etc., etc.

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FOREIGN OFFICE, December 23rd, 1914.

YOUR EXCELLENCY,—

In recent letters to His Majesty's Procurator-General and the Board of Trade the United States Consul-General has raised the question of the payment of freight and charges incurred in connection with the release of cargoes shipped before the war by United States shippers, and in my note of 28th ultimo I had the honour to inform Your Excellency with reference to your note of the 10th ultimo, that I hoped shortly to be able to communicate the views of His Majesty's Government on the matter.

I have now the honour to state, for Your Excellency's information and for that of the United States Consul-General, that, as regards freight in the case of cargoes on enemy vessels, it is the decision of His Majesty's Government that freight will only be charged on such cargoes when it has been earned, i.e., when the cargo concerned has been brought to its original destination, save in the cases mentioned subsequently in this note. Neutral shippers to whom cargo is released will not therefore (save in the cases subsequently mentioned), be required to pay freight, unless the voyage of the vessel carrying the cargo is complete, or the contract of affreightment provides for *pro rata* freight.

The cases, in which payment of freight will be required in any event, are those in which the cargo released would have been condemned either to confiscation or to detention if it had been taken into the Prize Court but in which the neutral shipper asks for its release to him; and in these cases His Majesty's Government consider that payment of freight is a proper condition of release as an alternative to condemnation of the cargo by the Prize Court.

The above observations apply both in the case of cargoes on ships liable to confiscation and in that of cargoes on ships liable to detention only.

As regards the question of expenses in connection with the release of cargo, His Majesty's Government consider that expenses reasonably incurred in respect of the care, custody or sale of the property concerned, or otherwise incidental to the matter, can properly be charged as a condition of the release of the cargo, in accordance with the

established practice of Prize Courts, and they will therefore continue to require the payment of such expenses as a condition of release.

I have the honour to be with the highest consideration,

Your Excellency's most obedient,  
humble servant,

His Excellency

The Honourable

W. H. Page,

etc., etc., etc.,

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No. 29.

**Advice regarding procedure in regard to Appeals to the Privy Council  
from Oversea Prize Courts.**

CANADA.

No. 12.

DOWNING STREET, January 5th, 1915.

SIR,—

I have the honour to inform Your Royal Highness that His Majesty's Government have had under their consideration the question of the proper procedure to be pursued in regard to appeals to the Privy Council from Oversea Prize Courts.

2. The ultimate decision with regard to such appeals must rest with themselves, and they are advised that the conduct of the appeals should be undertaken by the Procurator-General, as the Officer having charge of all prize proceedings in this country.

3. With regard to the manner of the institution of appeals, it is considered that the best course would be for the Authorities conducting the proceedings in an Oversea Court on behalf of the Crown to be authorized to give notice of appeal under the Prize Court Rules in all cases where they may be of opinion that an appeal from a decision unfavourable to the Crown should be brought. It would still be possible to withdraw the appeal if on further consideration it was considered here not to be advisable to proceed with it, while in the few cases in which His Majesty's Government might desire to appeal although no notice of appeal had been given in the Oversea Court, resort could still be had to the procedure by way of application to the Judicial Committee for special leave.

4. It is suggested also that in any case of appeal, the local Authorities should prepare the draft case for the Privy Council required under the Privy Council rules. The case should be sent in draft for the reason that it must be settled and signed by one of the Counsel to appear on the argument of the appeal.

5. It would be convenient if in any case of appeal the local authorities would communicate direct with the Procurator-General's Department, forwarding all the papers required in connection with the case. The record should be settled and printed locally.



6. I should be glad to learn whether your Ministers see any objection to this procedure.

I have the honour to be,

Sir,

Your Royal Highness's most obedient  
humble servant,

(Signed) L. HARCOURT.

Governor General

His Royal Highness

The Duke of Connaught and of Strathearn, K.G., K.T.,  
K.P., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E., G.C.V.O.,  
etc., etc., etc.

No. 30.

Advising that no sale of Prize Ships of over 1,000 tons should take place without reference to the Home Government.

CANADA

No. 25.

DOWNING STREET, 8th January, 1915.

SIR,—

With reference to my despatch No. 1025 of the 24th ultimo, I have the honour to request Your Royal Highness to inform your Ministers that as the best market for ships is, generally speaking, to be found in this country, the Lords Commissioners of the Admiralty are anxious that no sale or chartering of prize ships of over 1,000 tons should take place in Canada without prior reference to the Home Government.

I have the honour to be,

Sir,

Your Royal Highness's most obedient,  
humble servant,

(Signed) L. HARCOURT.

Governor General

His Royal Highness

The Duke of Connaught and of Strathearn, K.G., K.T.,  
K.P., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E., G.C.V.O.,  
etc., etc., etc.

## No. 31.

**Transmitting forms of conditions of sale, etc., used in connection with the sale of sailing vessels condemned as Prize.**

CANADA.

No. 51.

DOWNING STREET, 15th January, 1915

*Contract for Sale. Form of Bond. Contract for Sale. Declaration by individual. Declaration on behalf of Corporation.*

SIR,—With reference to my despatch No. 1025 of the 24th December last and to my despatch No. 25 of the 8th January, I have the honour to transmit to Your Royal Highness, for the information of your Ministers, the enclosed copies of the forms of conditions of sale and subsidiary documents used by the Marshal of the Prize Court in this country in connection with the sale (1) of sailing vessels of above 500 tons and (2) of sailing vessels of 500 tons and under condemned as Prize.

I have the honour to be,

Sir,

Your Royal Highness's most obedient,  
humble servant,

(Signed) L. HARCOURT.

Governor General,

His Royal Highness

The Duke of Connaught and of Strathearn, K.G., K.T.,  
K.P., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E., G.C.V.O.,  
etc., etc., etc.

CONTRACT FOR SALE.

By Virtue of a Commission of Sale from the Admiralty Division of the High Court of Justice, the Vessel called the  
now lying in

Particulars of which Vessel's Registry are as follows, viz.,

(Particulars of Registry are those prescribed in First Schedule of the Merchants Shipping Act, 1894.)

CONDITIONS OF SALE.

I. The highest bidder for the Vessel shall be the buyer, and if any dispute arises as to any bidding the Vessel shall be put up again at the last undisputed bidding. There will be a reserve price, and the Vendor or his Agents shall be at liberty to bid. The amount of the advance of each bidding shall be regulated by the Auctioneer, and no bidding shall be retracted.

II. The Buyer is to sign the Agreement to purchase and to take the said Vessel, her Tackle, Apparel, Furniture and Stores, including Machinery, if any, and Appurtenances, with all Faults, in the Condition in which they lie, without any Allowance or Abatement for Weights, Lengths, Qualities, Quantities, Errors of Description, or any Defects or Injuries whatsoever, and neither the Age, Tonnage, Description of the Vessel, nor the Description of the Machinery, Appurtenances, and Stores, as expressed in the Inventories or printed particulars, are warranted.

III. The Buyer is immediately to pay to Henry Willoughby Lovell, Esquire, the Admiralty Marshal, or his Substitute, One Tenth Part of the Purchase-Money (and Two Guineas to the Auctioneer for his fee) and the remainder thereof within Fourteen Days, in cash, to the said Marshal, or his aforesaid Substitute, and upon such payment of the remainder of the Purchase-Money the Buyer will be put into Possession of the said Vessel, her Tackle, Apparel, and Furniture, including Machinery and Appurtenances as aforementioned. But in case of non-payment within such time of the remainder of the Purchase-Money, or in the case of any other breach by the Buyer of these Conditions, the Deposit aforesaid of One-Tenth Part shall be and is hereby declared to be forfeited, and the said Vessel, her Tackle, Apparel and Furniture, including Machinery and Appurtenances, may be again exposed to and sold at Public or Private Sale, and the deficiency, if any, by such re-sale shall be made good by the Defaulter at this sale, together with the Expenses attending such re-sale; and neither the Honourable the Judge, the Marshal, any other Officer of the said Court, nor the Auctioneer, shall be sued at Law for the said Money paid in part and forfeited as aforesaid, but the Buyer so neglecting shall be liable for all Loss, Costs and Damages which may arise thereby.

IV. If delivery of the property to an Agent is required such Agent must produce the Buyer's written authority to that effect, duly signed and addressed to "the Admiralty Marshal."

V. In order to prevent detention of the Vessel for non-payment of Dock or other Dues, the Buyer must give three days' notice to the Marshal or Auctioneer of the day on which he will complete the purchase.

VI. The Buyer (if he requires it) may have the Marshal's Bill of Sale for the said Vessel.

VII. The Vessel will be at the risk of the Buyer immediately after he receives an Order for the delivery thereof.

VIII. The Buyer must not be an "Enemy". The expression "Enemy" in this Condition includes any Subject of any Foreign Country or State with which His Majesty is at War, and any person, or body of persons, of whatever nationality resident or carrying on business in any such Country or State, and in the case of Incorporated Bodies, includes any Corporation Incorporated or having any place of business in any such Country or State. The Buyer, or if the Buyer is a Corporation, some principal Officer thereof must on or before completion make and deliver to the Admiralty Marshal a Statutory declaration in accordance with the printed forms of declarations required (one adapted to the case of any individual buyer, and the



other adapted to the case of the Buyer being a Corporation) which will be produced at the Sale and may be inspected before the Sale at the Office of the Auctioneer, but such declarations are in addition to any declaration required by Law in the event of the Vessel being required to be registered as a British Ship.

Lastly. If any question arises at the Auction as to who is the Buyer of the said Vessel the Marshal or his aforesaid Substitute is to determine the same.

Not less than \_\_\_\_\_ pounds (£ \_\_\_\_\_ )  
to be advanced at each bidding.

It is hereby agreed between  
as Agents for the Vendor, Henry Willoughby Lovell, Esq., the  
Admiralty Marshal, and  
of \_\_\_\_\_

that at the sale by auction this  
day of \_\_\_\_\_, 191 \_\_\_\_\_,  
of the vessel called the " \_\_\_\_\_ " the said

\_\_\_\_\_ was the highest bidder for and has  
become the buyer of the vessel for the sum of £ \_\_\_\_\_

and that he has paid to the said

the sum of £ \_\_\_\_\_ as a deposit and in part

payment of the purchase money and the sum of £ \_\_\_\_\_

for the Auctioneer's fee, and that these Particulars and Conditions  
shall be taken as the terms of Agreement for the said sale and  
purchase.

As witness our hands this \_\_\_\_\_ day of \_\_\_\_\_,  
191 \_\_\_\_\_.

Purchase Money.....£	:	:
Deposit paid.....£	:	:
<hr/>		
Balance.....£	:	:
<hr/>		

CONTRACT FOR SALE (Sailing Vessels above 500 tons net register).

By virtue of a Commission of Sale from the Admiralty Division of the  
High Court of Justice, the Vessel called the  
\_\_\_\_\_ now lying in  
particulars of which vessel's registry are as follows, viz.:

(Particulars of registry are those prescribed in the first  
Schedule of the Merchant Shipping Act, 1894.)

## CONDITIONS OF SALE.

I. The highest Bidder for the Vessel shall be the Buyer, and if any dispute arises as to any bidding, the Vessel shall be put up again at the last undisputed bidding. There will be a reserve price, and the Vendor or his Agents shall be at liberty to bid. The amount of the advance of each bidding shall be regulated by the Auctioneer, and no bidding shall be retracted.

II. The Buyer is to sign the Agreement to purchase and to take the said Vessel, her Tackle, Apparel, Furniture and Stores, including Machinery, if any, and Appurtenances, with all Faults, in the Condition in which they lie, without any Allowance or Abatement for Weights, Lengths, Qualities, Quantities, Errors of Description, or any Defects or Injuries whatsoever, and neither the age, Tonnage, Description of the Vessel, nor the Description of the Machinery, Appurtenances and Stores, as expressed in the Inventories or printed particulars, are warranted.

III. The Buyer is immediately to pay to Henry Willoughby Lovell, Esquire, the Admiralty Marshal, or his Substitute, One-Tenth Part of the Purchase-Money (and Two Guineas to the Auctioneer for his fee), and the remainder thereof within Fourteen Days in cash, to the said Marshal, or his aforesaid Substitute, and upon such payment of the remainder of the Purchase-Money the Buyer will be put into Possession of the said Vessel, her Tackle, Apparel, and Furniture, including Machinery and Appurtenances as aforementioned.

But in case of Non-Payment within such time of the remainder of the Purchase-Money, or in the case of any other breach by the Buyer of these Conditions, the Deposit aforesaid of One-Tenth Part shall be and is hereby declared to be forfeited, and the said Vessel, her Tackle, Apparel and Furniture, including Machinery and Appurtenances may be again exposed to and sold at Public or Private Sale, and the deficiency, if any, by such re-sale shall be made good by the Defaulter at this sale, together with the expenses attending such re-sale; and neither the Honourable the Judge, the Marshal, any other Officer of the said Court, nor the Auctioneer, shall be sued at Law for the said Money paid in part and forfeited as aforesaid, but the Buyer so neglecting shall be liable for all Loss, Costs and Damages which may arise thereby.

IV. If delivery of the property to an Agent is required such Agent must produce the Buyer's written authority to that effect, duly signed and addressed to the "Admiralty Marshal."

V. In order to prevent detention of the Vessel for non-payment of Dock or other Dues, the Buyer must give three days' notice to the Marshal or Auctioneer of the day on which he will complete the purchase.

VI. The Buyer (if he requires it) may have the Marshal's Bill of Sale for the said Vessel.

VII. The Vessel will be at the risk of the Buyer immediately after he receives an Order for the delivery thereof.

VIII. The Buyer must not be an "Enemy." The expression "Enemy" in this Condition includes any Subject of any Foreign

Country or State with which His Majesty is at War, and any person or body of persons, of whatsoever nationality resident or carrying on business in any such Country or State, and in the case of Incorporated Bodies, includes any Corporation Incorporated or having any place of business in any such Country or State. The Buyer, or if the Buyer is a Corporation, some principal Officer thereof must on or before completion make and deliver to the Admiralty Marshal a Statutory declaration in accordance with the printed forms of declarations required (one adopted to the case of any individual buyer, and the other adapted to the case of the Buyer being a Corporation) which will be produced at the Sale and may be inspected before the Sale at the Office of the Auctioneer, but such declarations are in addition to any declaration required by Law in the event of the Vessel being required to be registered as a British Ship.

IX. The Ship will be sold subject to the express condition that she shall not be transferred to the enemy during the continuance of the present war, and for the purpose of securing the due performance of this condition, the Purchaser shall before delivery of possession to him, execute a Bond with a surety or sureties, who shall be British subjects domiciled in the United Kingdom, to be approved by the Admiralty Marshal. The amount of such Bond shall be 75 per cent of the Purchase Money. Forms of the Bond may be seen at the Office of the Auctioneer.

Lastly. If any question arises at the Auction as to who is the Buyer of the said Vessel the Marshal or his aforesaid Substitute is to determine the same.

Not less than                      Pounds (£                      ) to be advanced at each bidding.

It is hereby agreed between                      , as Agents for the Vendor, Henry Willoughby Lovell, Esq., the Admiralty Marshal, and                      of                      that at the sale by auction this                      day of                      , 191                      , of the vessel called the "                      " the said                      was the highest bidder for and has become the buyer of the vessel for the sum of £                      and that he has paid to the said                      the sum of £                      as a deposit and in part payment of the purchase money and the sum of £                      for the Auctioneer's fee, and that these Particulars and Conditions shall be taken as the terms of Agreement for the said sale and purchase.

As witness our hands this                      day of                      , 191 .

Purchase Money.....	£	:	:
Deposit paid.....	£	:	:
Balance.....	£	:	:



## FORM OF BOND TO BE ENTERED INTO BY THE PURCHASER.

Know all men by these presents that we A.B.

of  
(hereinafter called the Purchaser), and  
C.D. of  
and E.F.

of  
(hereinafter called the Guarantors) are held and firmly bound to the Admiralty Marshal Royal Courts of Justice in the sum of £  
to be paid to the said Admiralty Marshal for which payment we bind ourselves jointly and severally by these presents

Sealed with our seals this                      day of                      191

Whereas the Purchaser has purchased from the said Admiralty Marshal the ship (*describe her sufficiently for present and future identification.*)

upon certain terms and conditions and Whereas one of such conditions is that the Purchaser with a Surety or Sureties to be approved by the said Admiralty Marshal shall enter into a Bond in the form of these presents and Whereas the said Admiralty Marshal has in pursuance of the said conditions required the Purchaser to enter into the above written bond and has approved the Guarantors as Sureties now the condition of the above written Bond is such that if during the continuance of the present War neither the property in nor the beneficial Ownership of the said ship or any share therein shall be transferred to the enemy the above written Bond shall be void but otherwise shall remain in full force.

For definition of the word "Enemy" see Clause VIII of conditions of Sale.

NOTE.—The amount of the Bond will be 75 per cent of the purchase money.

## DECLARATION "A"—DECLARATION BY AN INDIVIDUAL BUYER.

I,    of  
in the County of                      the Buyer of the vessel

Do solemnly and sincerely declare as follows:—

I am a British subject and reside and or carry on business in the following part of His Majesty's Dominions, namely:—

and I do not reside or carry on business in any State or Country at War with His Majesty or in any Colony or Dependency of any such State or Country.

I further solemnly and sincerely declare that there is no arrangement under which I am to hold the said vessel or any share or interest therein on behalf of or in trust for or for the benefit of or so that it shall in any way come under the control of any enemy, foreigner, foreign Corporation or Corporation under foreign control as those

terms are respectively defined in the Conditions of Sale of the said vessel now produced and shown to me marked

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1835.

Declared at	}
this	
day of                      191	
Before me,	

DECLARATION "B"—DECLARATION ON BEHALF OF CORPORATION.

I,                      of                      in the County  
of                      the\*                      of†  
(hereinafter called the said Corporation) the Buyer of the Vessel  
being duly authorized by the said Corporation to make this Declaration Do Hereby solemnly and sincerely declare as follows:—

The said Corporation is not an enemy or a Foreign Corporation or Corporation under Foreign control as those terms are respectively defined in the Conditions of Sale of the said vessel and now produced and shown to me marked                      and to the best of my knowledge there is no arrangement under which the said Corporation is to hold the said vessel or any share or interest therein on behalf of or in trust for or for the benefit of or so that it shall in any way come under the control of any enemy Foreigner foreign Corporation or Corporation under foreign control as those terms are respectively defined in the said Conditions of Sale.

And I make this solemn Declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared at	}
this	
day of                      191	
Before me,	

\*Here insert the Office of the person making the Declaration (Secretary or otherwise).

†Here insert the name of the Corporation.

## APPENDIX C.

### REVISED STATUTES OF CANADA.

#### CHAPTER 48.

##### An Act respecting the Customs.

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**242.** If any goods, the exportation or carrying coastwise or by inland navigation of which is prohibited by this Act or by the Governor in Council under the authority of this Act, are exported, carried coastwise or by inland navigation, or water borne, or laden in any railway carriage or other vehicle for the purpose of being so exported or carried, they shall be seized and forfeited. R.S., c. 32, ss. 111 and 250. Prohibited goods carried coastwise, etc. Forfeiture.

**291.** The Governor in Council may, from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council deems capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man. R.S., c. 32, s. 250. Prohibition of importation.



## APPENDIX D.

Declaration concerning the Laws of Naval War made at the  
International Naval Conference held in London  
December 1908—February, 1909.

*Reprinted from Cd 4554 presented to both Houses of Parliament of the  
United Kingdom, 1909, the final protocol and the names of the  
Sovereign authorities joining therein being omitted.*

### PRELIMINARY PROVISION.

The Signatory Powers are agreed that the rules contained in the following Chapters correspond in substance with the generally recognized principles of international law.

### CHAPTER I.

#### BLOCKADE IN TIME OF WAR.

##### ARTICLE 1.

A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy.

##### ARTICLE 2.

In accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline.

##### ARTICLE 3.

The question whether a blockade is effective is a question of fact.

##### ARTICLE 4.

A blockade is not regarded as raised if the blockading force is temporarily withdrawn on account of stress of weather.

##### ARTICLE 5.

A blockade must be applied impartially to the ships of all nations.

##### ARTICLE 6.

The commander of a blockading force may give permission to a warship to enter, and subsequently to leave, a blockaded port.

## ARTICLE 7.

In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under blockade and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.

## ARTICLE 8.

A blockade, in order to be binding, must be declared in accordance with Article 9, and notified in accordance with Articles 11 and 16.

## ARTICLE 9.

A declaration of blockade is made either by the blockading Power or by the naval authorities acting in its name.

It specifies—

- (1) The date when the blockade begins;
- (2) The geographical limits of the coastline under blockade;
- (3) The period within which neutral vessels may come out.

## ARTICLE 10.

If the operations of the blockading Power, or of the naval authorities acting in its name, do not tally with the particulars, which, in accordance with Article 9 (1) and (2), must be inserted in the declaration of blockade, the declaration is void, and a new declaration is necessary in order to make the blockade operative.

## ARTICLE 11.

A declaration of blockade is notified—

- (1) To neutral Powers, by the blockading Power by means of a communication addressed to the Governments direct, or to their representatives accredited to it;
- (2) To the local authorities, by the officer commanding the blockading force. The local authorities will, in turn, inform the foreign consular officers at the port or on the coastline under blockade as soon as possible.

## ARTICLE 12.

The rules as to declaration and notification of blockade apply to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised.

## ARTICLE 13.

The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by Article 11.

## ARTICLE 14.

The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade,

## ARTICLE 15.

Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade to the Power to which such port belongs, provided that such notification was made in sufficient time.

## ARTICLE 16.

If a vessel approaching a blockaded port has no knowledge, actual or presumptive, of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's logbook, and must state the day and hour, and the geographical position of the vessel at the time.

If through the negligence of the officer commanding the blockading force no declaration of blockade has been notified to the local authorities, or, if in the declaration, as notified no period has been mentioned within which neutral vessels may come out, a neutral vessel coming out of the blockaded port must be allowed to pass free.

## ARTICLE 17.

Neutral vessels may not be captured for breach of blockade except within the area of operations of the warships detailed to render the blockade effective.

## ARTICLE 18.

The blockading forces must not bar access to neutral ports or coasts.

## ARTICLE 19.

Whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port.

## ARTICLE 20.

A vessel which has broken blockade outwards, or which has attempted to break blockade inwards, is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can no longer be effected.



## ARTICLE 21.

A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned, unless it is proved that at the time of the shipment of the goods the shipper neither knew nor could have known of the intention to break the blockade.

## CHAPTER II.

## CONTRABAND OF WAR.

## ARTICLE 22.

The following articles may, without notice,\* be treated as contraband of war, under the name of absolute contraband:—

- (1) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
- (2) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
- (3) Powder and explosives specially prepared for use in war.
- (4) Gun-mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
- (5) Clothing and equipment of a distinctively military character.
- (6) All kinds of harness of a distinctively military character.
- (7) Saddle, draught, and pack animals suitable for use in war.
- (8) Articles of camp equipment, and their distinctive component parts.
- (9) Armour plates.
- (10) Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.
- (11) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.

## ARTICLE 23.

Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.

Such notification must be addressed to the Governments of other Powers, or to their representatives accredited to the Power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral Powers.

## ARTICLE 24.

The following articles, susceptible of use in war as well as for purposes of peace, may, without notice,\* be treated as contraband of war, under the name of conditional contraband:—

- (1) Foodstuffs

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\*See Proclamations making variations.

- (2) Forage and grain, suitable for feeding animals.
- (3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
- (4) Gold and silver in coin or bullion; paper money.
- (5) Vehicles of all kinds available for use in war, and their component parts
- (6) Vessels, craft, and boats of all kinds; floating docks, parts of docks and their component parts.
- (7) Railway material, both fixed and rolling-stock, and material for telegraphs, wireless telegraphs, and telephones.
- (8) Balloons and flying machines and their distinctive component parts, together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.
- (9) Fuel, lubricants.
- (10) Powder and explosives not specially prepared for use in war.
- (11) Barbed wire and implements for fixing and cutting the same.
- (12) Horseshoes and shoeing materials.
- (13) Harness and saddlery.
- (14) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

#### ARTICLE 25.

Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in Articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

#### ARTICLE 26.

If a Power waives, so far as it is concerned, the right to treat as contraband of war an article comprised in any of the classes enumerated in Articles 22 and 24, such intention shall be announced by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

#### ARTICLE 27.

Articles which are not susceptible of use in war may not be declared contraband of war.

#### ARTICLE 28.

The following may not be declared contraband of war:—

- (1) Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.
- (2) Oil seeds and nuts; copra.
- (3) Rubber, resins, gums, and lacs; hops.

- (4) Raw hides and horns, bones, and ivory.
- (5) Natural and artificial manures, including nitrates and phosphates for agricultural purposes.
- (6) Metallic ores.
- (7) Earths, clays, lime, chalk, stone, including marble, bricks, slates, and tiles.
- (8) Chinaware and glass.
- (9) Paper and paper-making materials.
- (10) Soap, paint and colours, including articles exclusively used in their manufacture, and varnish.
- (11) Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia and sulphate of copper.
- (12) Agricultural, mining, textile, and printing machinery.
- (13) Precious and semi-precious stones, pearls, mother-of-pearl, and coral.
- (14) Clocks and watches, other than chronometers.
- (15) Fashion and fancy goods.
- (16) Feathers of all kinds, hairs, and bristles.
- (17) Articles of household furniture and decoration; office furniture and requisites.

#### ARTICLE 29.

Likewise the following may not be treated as contraband of war:—

- (1) Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and subject to the payment of compensation, be requisitioned, if their destination is that specified in Article 30.
- (2) Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.

#### ARTICLE 30.

Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transshipment or a subsequent transport by land.

#### ARTICLE 31.

Proof of the destination specified in Article 30 is complete in the following cases:—

- (1) When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.
- (2) When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.



## ARTICLE 32.

Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.

## ARTICLE 33.

Conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces or of a government department of the enemy State, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under Article 24 (4).

## ARTICLE 34.

The destination referred to in Article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.

In cases where the above presumptions do not arise, the destination is presumed to be innocent.

The presumptions set up by this Article may be rebutted.

## ARTICLE 35.

Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

## ARTICLE 36.

Notwithstanding the provisions of Article 35, conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture in cases where the enemy country has no seaboard.

## ARTICLE 37.

A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial

waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination.

ARTICLE 38.

A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.

ARTICLE 39.

Contraband goods are liable to condemnation.

ARTICLE 40.

A vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.

ARTICLE 41.

If a vessel carrying contraband is released, she may be condemned to pay the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.

ARTICLE 42.

Goods which belong to the owner of the contraband and are<sup>22</sup> on board the same vessel are liable to condemnation.

ARTICLE 43.

If a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, the contraband cannot be condemned except on payment of compensation; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and expenses referred to in Article 41. The same rule applies if the master, after becoming aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.

A vessel is deemed to be aware of the existence of a state of war, or of a declaration of contraband, if she left a neutral port subsequently to the notification to the Power to which such port belongs of the outbreak of hostilities or of the declaration of contraband respectively, provided that such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities.

ARTICLE 44.

A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of

the proportion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.

The delivery of the contraband must be entered by the captor on the logbook of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.

## CHAPTER III.

### UNNEUTRAL SERVICE.

#### ARTICLE 45.

A neutral vessel will be condemned and will, in a general way, receive the same treatment as a neutral vessel liable to condemnation for carriage of contraband:—

- (1) If she is on a voyage specially undertaken with a view to the transport of individual passengers who are embodied in the armed forces of the enemy, or with a view to the transmission of intelligence in the interest of the enemy.
- (2) If, to the knowledge of either the owner, the charterer, or the master, she is transporting a military detachment of the enemy, or one or more persons who, in the course of the voyage, directly assist the operations of the enemy.

In the cases specified under the above heads, goods belonging to the owner of the vessel are likewise liable to condemnation.

The provisions of the present Article do not apply if the vessel is encountered at sea while unaware of the outbreak of hostilities, or if the master, after becoming aware of the outbreak of hostilities, has had no opportunity of disembarking the passengers. The vessel is deemed to be aware of the existence of a state of war if she left an enemy port subsequently to the outbreak of hostilities, or a neutral port subsequently to the notification of the outbreak of hostilities to the Power to which such port belongs, provided that such notification was made in sufficient time.

#### ARTICLE 46.

A neutral vessel will be condemned and, in a general way, receive the same treatment as would be applicable to her if she were an enemy merchant vessel:

- (1) If she takes a direct part in the hostilities.
- (2) If she is under the orders or control of an agent placed on board by the enemy Government;
- (3) If she is in the exclusive employment of the enemy Government;
- (4) If she is exclusively engaged at the time either in the transport of enemy troops or in the transmission of intelligence in the interest of the enemy,



In the cases covered by the present Article, goods belonging to the owner of the vessel are likewise liable to condemnation.

#### ARTICLE 47.

Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel, may be made a prisoner of war, even though there be no ground for the capture of the vessel.

### CHAPTER IV.

#### DESTRUCTION OF NEUTRAL PRIZES.

#### ARTICLE 48.

A neutral vessel which has been captured may not be destroyed by the captor; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the capture.

#### ARTICLE 49.

As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of Article 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.

#### ARTICLE 50.

Before the vessel is destroyed all persons on board must be placed in safety, and all the ship's papers and other documents which the parties interested consider relevant for the purpose of deciding on the validity of the capture must be taken on board the warship.

#### ARTICLE 51.

A captor who has destroyed a neutral vessel must, prior to any decision respecting the validity of the prize, establish that he only acted in the face of an exceptional necessity of the nature contemplated in Article 49. If he fails to do this, he must compensate the parties interested and no examination shall be made of the question whether the capture was valid or not.

#### ARTICLE 52.

If the capture of a neutral vessel is subsequently held to be invalid, though the act of destruction has been held to have been justifiable, the captor must pay compensation to the parties interested, in place of the restitution to which they would have been entitled.

## ARTICLE 53.

If neutral goods not liable to condemnation have been destroyed with the vessel, the owner of such goods is entitled to compensation.

## ARTICLE 54.

The captor has the right to demand the handing over, or to proceed himself to the destruction of, any goods liable to condemnation found on board a vessel not herself liable to condemnation, provided that the circumstances are such as would, under Article 49, justify the destruction of a vessel herself liable to condemnation. The captor must enter the goods surrendered or destroyed in the logbook of the vessel stopped, and must obtain duly certified copies of all relevant papers. When the goods have been handed over or destroyed, and the formalities duly carried out, the master must be allowed to continue his voyage.

The provisions of Articles 51 and 52 respecting the obligations of a captor who has destroyed a neutral vessel are applicable.

## CHAPTER V.

## TRANSFER TO A NEUTRAL FLAG.

## ARTICLE 55.

The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent nationality less than sixty days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.

Where the transfer was effected more than thirty days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits arising from the employment of, the vessel remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than sixty days before the outbreak of hostilities and if the bill of sale is not on board, the capture of the vessel gives no right to damages.

## ARTICLE 56.

The transfer of an enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

There, however, is an absolute presumption that a transfer is void

- (1) If the transfer has been made during a voyage or in a blockaded port.
- (2) If a right to repurchase or recover the vessel is reserved to the vendor.
- (3) If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing, have not been fulfilled.

## CHAPTER VI.

### ENEMY CHARACTER.

#### ARTICLE 57.

Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.

The case where a neutral vessel is engaged in a trade which is closed in time of peace, remains outside the scope of, and is in no wise affected by, this rule.

#### ARTICLE 58.

The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.

#### ARTICLE 59.

In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods.

#### ARTICLE 60.

Enemy goods on board an enemy vessel retain their enemy character until they reach their destination, notwithstanding any transfer effected after the outbreak of hostilities while the goods are being forwarded.

If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognized legal right to recover the goods, they regain their neutral character.

## CHAPTER VII.

### CONVOY.

#### ARTICLE 61.

Neutral vessels under national convoy are exempt from search. The commander of a convoy gives, in writing, at the request of the



commander of a belligerent warship, all information as to the character of the vessels and their cargoes, which could be obtained by search.

#### ARTICLE 62.

If the commander of the belligerent warship has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to him. In such a case it is for the commander of the convoy alone to investigate the matter. He must record the result of such investigation in a report, of which a copy is handed to the officer of the warship. If, in the opinion of the commander of the convoy, the facts shown in the report justify the capture of one or more vessels, the protection of the convoy must be withdrawn from such vessels.

### CHAPTER VIII.

#### RESISTANCE TO SEARCH.

#### ARTICLE 63.

Forcible resistance to the legitimate exercise of the right of stoppage, search, and capture, involves in all cases the condemnation of the vessel. The cargo is liable to the same treatment as the cargo of an enemy vessel. Goods belonging to the master or owner of the vessel are treated as enemy goods.

### CHAPTER IX.

#### COMPENSATION.

#### ARTICLE 64.

If the capture of a vessel or of goods is not upheld by the prize court, or if the prize is released without any judgment being given, the parties interested have the right to compensation, unless there were good reasons for capturing the vessel or goods.

### FINAL PROVISIONS.

#### ARTICLE 65.

The provisions of the present declaration must be treated as a whole, and cannot be separated.

#### ARTICLE 66.

The Signatory Powers undertake to insure the mutual observance of the rules contained in the present Declaration in any war in which

all the belligerents are parties thereto. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take such measure as may be required in order to insure that it will be applied by their courts, and more particularly by their prize courts.

#### ARTICLE 67.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited in London.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers taking part therein, and by His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the British Government, and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, and of the notifications mentioned in the preceding paragraph as well as of the instruments of ratification which accompany them, shall be immediately sent by the British Government, through the diplomatic channel, to the Signatory Powers. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

#### ARTICLE 68.

The present Declaration shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently, sixty days after the notification of their ratification shall have been received by the British Government.

#### ARTICLE 69.

In the event of one of the Signatory Powers wishing to denounce the present Declaration, such denunciation can only be made to take effect at the end of a period of twelve years, beginning sixty days after the first deposit of ratifications, and, after that time, at the end of successive periods of six years, of which the first will begin at the end of the period of twelve years.

Such denunciation must be notified in writing, at least one year in advance, to the British Government, which shall inform all the other Powers.

It will only operate in respect of the denouncing Power.

#### ARTICLE 70

The Powers represented at the London Naval Conference attach particular importance to the general recognition of the rules which

they have adopted, and therefore express the hope that the Powers which were not represented there will accede to the present Declaration. They request the British Government to invite them to do so.

A Power which desires to accede shall notify its intention in writing to the British Government, and transmit simultaneously the act of accession, which will be deposited in the archives of the said Government.

The said Government shall forthwith transmit to all the other Powers a duly certified copy of the notification, together with the act of accession, and communicate the date on which such notification was received. The accession takes effect sixty days after such date.

In respect of all matters concerning this Declaration, acceding Powers shall be on the same footing as the Signatory Powers.

#### ARTICLE 71.

The present Declaration, which bears the date of the 26th February, 1909, may be signed in London up till the 30th June, 1909, by the Plenipotentiaries of the Powers represented at the Naval Conference.

In faith whereof the Plenipotentiaries have signed the present Declaration, and have thereto affixed their seals.

Done at London, the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall remain deposited in the archives of the British Government, and of which duly certified copies shall be sent through the diplomatic channel to the Powers represented at the Naval Conference.

(Here follow the signatures.)

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List of signatures appended to the Declaration of February 26, 1909, up to March 20, 1909:—

For Germany:

KRIEGE.

For the United States of America.

C. H. STOCKTON.

GEORGE GRAFTON WILSON.

For Austria-Hungary:

C. DUMBA.

For France:

L. RENAULT.

For Great Britain:

DESART.

For the Netherlands:

J. A. ROELL.

L. H. RUYSSENAERS.



**General Report Presented to the Naval Conference on behalf of its Drafting Committee. (a) (b) (d)**

[Translation.(c)]

On the 27th February, 1908, the British Government addressed a circular to various Powers inviting them to meet at a Conference with the object of reaching an agreement as to the definition of the generally recognized principles of international law in the sense of Article 7, paragraph, 2 of the Convention signed at The Hague on the 18th October, 1907, for the establishment of an International Prize Court. This agreement appeared necessary to the British Government on account of certain divergences of view which had become apparent at the Second Peace Conference in connection with the settlement of various important questions of international maritime law in time of war. The existence of these divergent views might, it seemed, render difficult the acceptance of the International Prize Court, as the power of this Court would be the more extended in proportion as the rules to be applied by it were more uncertain.

The British Government suggested that the following questions might form the programme of the proposed Conference, and invited the Powers to express their views regarding them in preparatory Memoranda:

(a) *Contraband, including the circumstances under which particular articles can be considered as contraband; the penalties for their carriage; the immunity of a ship from search when under convoy; and the rules with regard to compensation where vessels have been seized but have been found in fact only to be carrying innocent cargo;*

(b) *Blockade, including the questions as to the locality where seizure can be effected, and the notice that is necessary before a ship can be seized.*

(c) *The doctrine of continuous voyage in respect both of contraband and of blockade;*

(d) *The legality of the destruction of neutral vessels prior to their condemnation by a prize court;*

(e) *The rules as to neutral ships or persons rendering "unneutral service" ("assistance hostile");*

(f) *The legality of the conversion of a merchant-vessel into a war-ship on the high seas;*

(g) *The rules as to the transfer of merchant-vessels from a belligerent to a neutral flag during or in contemplation of hostilities;*

(a) This Committee consists of Messrs. Kriege (*Germany*), Wilson (*United States of America*), Dunba (*Austria-Hungary*), Estrada (*Spain*), Renault (*France*) Reporter, Hurst (*Great Britain*), Ricci-Busatti (*Italy*), Sakamoto (*Japan*), Ruysenaers (*Netherlands*), Baron Taube (*Russia*).

(b) The Order in Council of August 20th, printed at pp. 143-145 above, under the heading "DECLARATION OF LONDON" provides that the General Report of the Drafting Committee on the said Declaration presented to the Naval Conference and adopted by the Conference at the eleventh plenary meeting on February 25th, 1909, shall be considered by all Prize Courts as an authoritative statement of the meaning and intention of the said Declaration, and such Courts shall construe and interpret the provisions of the said Declaration by the light of the commentary given therein.

(c) For the original French text of the Report see parliamentary Paper "Miscellaneous No. 5 (1909)," p. 342.

(d) Reprinted from "Manual of Emergency Legislation" of the United Kingdom compiled by Alexander Pulling, C. B.

(h) *The question whether the nationality or the domicile of the owner should be adopted as the dominant factor in deciding whether property is enemy property.*

The invitations were accepted, and the Conference met on the 4th December last. The British Government had been so good as to assist its deliberations by presenting a collection of papers which quickly became known among us by the name of the *Red Book*, and which, after a short introduction, contains a "Statement of the views expressed by the Powers in their Memoranda, and observations intended to serve as a basis for the deliberations of the Conference." These are the "bases of discussion" which served as a starting-point for the examination of the chief questions of existing international maritime law. The Conference could not but express its gratitude for this valuable preparatory work, which was of great assistance to it. It made it possible to observe, in the first place, that the divergencies in the practices and doctrines of the different countries were perhaps less wide than was generally believed, that the essential ideas were often the same in all countries, and that the methods of application alone varied with traditions or prejudices, with permanent or accidental interests. It was, therefore, possible to extract a common element which it could be agreed to recommend for uniform application. This is the end to which the efforts of the different Delegations tended, and they vied with one another in their zeal in the search for the grounds of a common understanding. Their efforts were strenuous, as is shown by the prolonged discussions of the Conference, the Grand Committee, and the Examining Committees, and by the numerous proposals which were presented. Sailors, diplomatists, and jurists cordially co-operated in a work the description of which, rather than a final estimate of its essential value, is the object of this Report, as our impartiality might naturally be suspected.

The body of rules contained in the *Declaration*, which is the result of the deliberations of the Naval Conference, and which is to be entitled *Declaration concerning the laws of naval war*, answers well to the desire expressed by the British Government in its invitation of February 1908. The questions in the programme are all settled except two, with regard to which explanations will be given later. The solutions have been extracted from the various views or practices which prevail, and represent what may be called the *media sententia*. They are not always in absolute agreement with the views peculiar to each country, but they shock the essential ideas of none. They must not be examined separately, but as a whole, otherwise there is a risk of the most serious misunderstandings. In fact, if one or more isolated rules are examined either from the belligerent or the neutral point of view, the reader may find that the interests with which he is especially concerned are jeopardized by the adoption of these rules. But they have another side. The work is one of compromise and mutual concessions. Is it, as a whole, a good one?

We confidently hope that those who study it seriously will answer that it is. The Declaration puts uniformity and certainty in the place of the diversity and obscurity from which international relations have too long suffered. The Conference has tried to reconcile in an



equitable and practical way the rights of belligerents with those of neutral commerce; it consists of Powers whose conditions, from the political, economic, and geographical points of views, vary considerably. There is therefore reason to suppose that the rules on which these Powers have agreed take sufficient account of the different interests involved, and hence may be accepted without objection by all the others.

The Preamble of the Declaration summarizes the general ideas just set forth.

*Having regard to the terms in which the British Government invited various Powers to meet in conference in order to arrive at an agreement as to what are the generally recognized rules of international law within the meaning of Article 7 of the Convention of the 18th October, 1907, relative to the establishment of an International Prize Court;*

*Recognizing all the advantages which an agreement as to the said rules would present in the unfortunate event of a naval war, both as regards peaceful commerce and as regards the belligerents and their diplomatic relations with neutral Governments;*

*Having regard to the divergence often found in the methods by which it is sought to apply in practice the general principles of international law;*

*Animated by the desire to insure henceforward a greater measure of uniformity in this respect;*

*Hoping that a work so important to the common welfare will meet with general approval;*

What is the scope of application of the rules thus laid down! They must be observed in the relations between the signatory parties, since those parties acknowledge them as principles of recognized international law and, besides, expressly bind themselves to secure the benefit of them for one another. The Signatory Powers who are or will be parties to the Convention establishing the International Prize Court will have, besides, an opportunity of having these rules applied to disputes in which they are concerned, whether the Court regards them as generally recognized rules, or takes account of the pledge given to observe them. It is, moreover, to be hoped that these rules will before long be accepted by the majority of States, who will recognize the advantage of substituting exact provisions for more or less indefinite usages which tend to give rise to controversy.

It has been said above that two points in the programme of the Conference were not decided.

1. The programme mentions under head (f): *the legality of the conversion of a merchant vessel into a warship on the high seas*. The conflicting views on this subject which became apparent at the Conference of The Hague in 1907, have recurred at the present Conference. It may be concluded, both from the statements in the Memoranda and from the discussion, that there is no generally accepted rule on this point, nor do there appear to be any precedents which can be adduced. Though the two opposite opinions were defended with great warmth, a lively desire for an understanding was expressed on all sides; everybody was at least agreed that it would be a great



advantage to put an end to uncertainty. Serious efforts were made to do justice to the interests espoused by both sides, but these unfortunately failed. A subsidiary question dependent on the previous one, on which, at one moment, it appeared possible to come to an agreement, is that of *reconversion*. According to one proposal, it was to be laid down that "merchant vessels converted into warships cannot be reconverted into merchant vessels during the course of the war." The rule was absolute, and made no distinction as regards the place where reconversion could be effected; it was dictated by the idea that such conversion would always have disadvantages, would be productive of surprises, and lead to actual frauds. As unanimity in favour of this proposal was not forthcoming, a subsidiary one was brought forward, viz., "the conversion of a warship into a merchant vessel on the high seas is forbidden during the war". The case had in view was that of a warship (generally a recently converted merchant vessel) doffing its character so as to be able freely to revictual or refit in a neutral port without being bound by the restrictions imposed on warships. Will not the position of the neutral State between two belligerents be delicate, and will not such State expose itself to reproach whether it treats the newly converted ship as a merchant vessel or as a warship! Agreement might perhaps have been reached on this proposal, but it seemed very difficult to deal with this secondary aspect of a question which there was no hope of settling as a whole. This was the decisive reason for the rejection of all proposals.

The question of conversion on the high seas and that of reconversion therefore remain open.

(2) Under head (h), the British Programme mentions: *the question whether the nationality or the domicile of the owner should be adopted as the dominant factor in deciding whether property is enemy property*. This question was subjected to a searching examination by a special Committee, which had to acknowledge the uncertainty of actual practice; it was proposed to put an end to this by the following provisions:—

"The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy nationality of their owner, or, if he is of no nationality or of double nationality (*i.e.*, both neutral and enemy), by his domicile in a neutral or enemy country;

"Provided that goods belonging to a limited liability or joint stock company are considered as neutral or enemy according as the company has its headquarters in a neutral or enemy country."

Unanimity not being forthcoming, these provisions remained without effect.

We now reach the explanation of the Declaration itself, on which we shall try, by summarizing the Reports already approved by the Conference, to give an exact and uncontroversial commentary; this, when it has become an official commentary by receiving the approval of the Conference, may serve as a guide to the different authorities—administrative, military, and judicial—who may be called on to apply it.

## PRELIMINARY PROVISION.

*The Signatory Powers are agreed that the rules contained in the following Chapters correspond in substance with the generally recognized principles of international law.*

This provision dominates all the rules which follow. Its spirit has been indicated in the general remarks to be found at the beginning of this Report. The purpose of the Conference has, above all, been to note, define to, and, where needful, to complete what might be necessary as customary law.

## CHAPTER I.

## BLOCKADE IN TIME OF WAR.

Blockade is here regarded solely as an operation of war, and there is no intention of touching in any way on what is called *pacific blockade*.

## ARTICLE 1.

*A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy.*

Blockade, as an operation of war, can be directed by a belligerent only against his adversary. This very simple rule is laid down at the start, but its full scope is apparent only when it is read in connection with Article 18.

## ARTICLE 2.

*In accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline.*

The first condition necessary to render a blockade binding is that it should be effective. There has been universal agreement on this subject for a long time. As for the definition of an effective blockade, we thought that we had only to adopt the one to be found in the Declaration of Paris of the 16th April, 1856, which, conventionally, binds a great number of States, and is in fact accepted by the rest.

## ARTICLE 3.

*The question whether a blockade is effective is a question of fact.*

It is easily to be understood that difficulties often arise on the question whether a blockade is effective or not; opposing interests are at stake. The blockading belligerent wishes to economize his efforts, and neutrals desire their trade to be as little hampered as possible. Diplomatic protests have sometimes been made on this subject. The point may be a delicate one, because no absolute rule can be laid down as to the number and position of the blockading ships. All depends on matters of fact and geographical conditions. In one case a single ship will suffice to blockade a



port as effectively as possible, whereas in another a whole fleet may not be enough really to prevent access to one or more ports declared to be blockaded. It is therefore essentially a *question of fact*, to be decided on the merits of each case, and not according to a formula drawn up beforehand. Who shall decide it? The judicial authority. This will be, in the first place, the national tribunal which is called on to pronounce as to the validity of the prize and which the vessel captured for breach of blockade can ask to declare the capture void, because the blockade, not being effective, was not binding. This resort has always existed; it may not always have given satisfaction to the Powers concerned, because they may have thought that the national tribunal was rather naturally led to consider effective the blockade declared to be so by its Government. But, when the International Prize Court Convention comes into force, there will be an absolutely impartial tribunal, to which neutrals may apply, and which will decide whether, in a given case, the blockade was effective or not. The possibility of this resort, besides allowing certain injustices to be redressed, will most likely have a preventive effect, in that a Government will take care to establish its blockades in such a way that their effect cannot be annulled by decisions which would inflict on it a heavy loss. The full scope of Article 3 is thus seen when it is understood that the question with which it deals must be settled by a Court. The foregoing explanation is inserted in the Report at the request of the Committee, in order to remove all possibility of misunderstanding.

#### ARTICLE 4.

*A blockade is not regarded as raised if the blockading force is temporarily withdrawn on account of stress of weather.*

It is not enough for a blockade to be established; it must be maintained. If it is raised it may be re-established, but this requires the observance of the same formalities as though it were established for the first time. By tradition, a blockade is not regarded as raised when it is in consequence of stress of weather that the blockading forces are temporarily withdrawn. This is laid down in Article 4. It must be considered limitative in the sense that stress of weather is the only form of compulsion which can be alleged. If the blockading forces were withdrawn for any other reason, the blockade would be regarded as raised, and, if it were resumed, Articles 12 (last rule) and 13 would apply.

#### ARTICLE 5.

*A blockade must be applied impartially to the ships of all nations.*

Blockade, as an operation of lawful warfare, must be respected by neutrals in so far as it really remains an operation of war which has the object of interrupting all commercial relations with the blockaded port. It may not be made the means of allowing a belligerent to favour the vessels of certain nations by letting them pass. This is the point of Article 5.



## ARTICLE 6.

*The commander of a blockading force may give permission to a warship to enter, and subsequently to leave, a blockaded port.*

Does the prohibition which applies to all merchant vessels apply also to warships? No definite reply can be given. The commander of the blockading forces may think it useful to cut off all communication with the blockaded place, and refuse access to neutral warships; no rule is imposed on him. If he lets them in, it is as a matter of courtesy. If a rule has been drawn up merely to lay down this, it is in order that it may not be claimed that a blockade has ceased to be effective on account of leave granted to such and such neutral warships.

The blockading commander must act impartially, as stated in Article 5. Nevertheless, the mere fact that he has let a warship pass does not oblige him to let pass all neutral warships which may come. It is a question of judgment. The presence of a neutral warship in a blockaded port may not have the same consequences at all stages of the blockade, and the commander must be left free to judge whether he can be courteous without making any sacrifice of his military interests.

## ARTICLE 7.

*In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under blockade, and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.*

Distress can explain the entrance of a neutral vessel into a blockaded place, for instance, if she is in want of food or water, or needs immediate repairs. As soon as her distress is acknowledged by an authority of the blockading force, she *may* cross the line of blockade; it is not a favour which she has to ask of the humanity or courtesy of the blockading authority. The latter may deny the state of distress, but when once it is proved to exist, the consequence follows of itself. The vessel which has thus entered the blockaded port will not be obliged to remain there for the whole duration of the blockade; she may leave as soon as she is fit to do so, when she has obtained the food or water which she needs, or when she has been repaired. But the leave granted to her must not be made an excuse for commercial transactions; therefore she is forbidden to discharge or ship any cargo.

It is needless to say that a blockading squadron which insisted on preventing a vessel in distress from passing, might do so if she afforded her the help which she needed.

## ARTICLE 8.

*A blockade, in order to be binding, must be declared in accordance with Article 9, and notified in accordance with Articles 11 and 16.*

Independently of the condition prescribed by the Declaration of Paris that it must be effective, a blockade, to be binding, must

be declared and notified. Article 8 confines itself to laying down the principle which is applied by the following Articles.

To remove all possibility of misunderstanding it is enough to define clearly the meaning of these two expressions, which will frequently be used. The *declaration of blockade* is the act of the competent authority (a Government or commander of a squadron) stating that a blockade is, or is about to be, established under conditions to be specified (Article 9). The *notification* is the fact of bringing the declaration of blockade to the knowledge of the neutral Powers or of certain authorities (Article 11).

These two things—declaration and notification—will in most cases be done previously to the enforcement of the rules of blockade, that is to say, to the real prohibition of passage. Nevertheless, as we shall see later, it is sometimes possible for passage to be forbidden by the very fact of the blockade which is brought to the knowledge of a vessel approaching a blockaded port by means of a *notification* which is *special*, whereas the notification which has just been defined, and which is spoken of in Article 11, is of a general character.

#### ARTICLE 9.

*A declaration of blockade is made either by the blockading Power or by the naval authorities acting in its name.*

*It specifies—*

- (1) *The date when the blockade begins;*
- (2) *The geographical limits of the coastline under blockade;*
- (3) *The period within which neutral vessels may come out.*

The declaration of blockade in most cases emanates from the belligerent Government itself. That Government may have left the commander of its naval forces free himself to declare a blockade according to the circumstances. There will not, perhaps, be as much reason as formerly to give this discretion, because of the ease and rapidity of communication. This, being merely an internal question, matters little.

The declaration of blockade must specify certain points which it is in the interest of neutrals to know, in order to be aware of the extent of their obligations. The moment from which it is forbidden to communicate with the blockaded place must be exactly known. It is important, as affecting the obligations both of the blockading Power and of neutrals, that there should be no uncertainty as to the places really blockaded. Finally, the custom has long been established of allowing neutral vessels which are in the blockaded port to leave it. This custom is here confirmed, in the sense that the blockading Power *must allow* a period within which vessels may leave; the length of this period is not fixed, because it clearly depends on very varying circumstances, but it is understood that the period should be *reasonable*.

#### ARTICLE 10.

*If the operations of the blockading Power, or of the naval authorities acting in its name, do not tally with the particulars, which, in accordance*



*with Article 9 (1) and (2), must be inserted in the declaration of blockade the declaration is void, and a new declaration is necessary in order to make the blockade operative.*

The object of this article is to insure the observance of Article 9. Supposing the declaration of blockade contains statements which do not tally with the actual facts; it states that the blockade began, or will begin, on such a day, whereas, in fact, it only began several days later. Its geographical limits are inaccurately given; they are wider than those within which the blockading forces are operating. What shall be the sanction? The nullity of the declaration of blockade, which prevents it from being operative. If then, in such a case, a neutral vessel is captured for breach of blockade, she can refer to the nullity of the declaration of blockade as a plea for the nullity of the capture; if her plea is rejected by the national tribunal, she can appeal to the International Court.

To avoid misunderstandings, the significance of this provision must be noticed. The declaration states that the blockade begins on the 1st February, it really only begins on the 8th. It is needless to say that the declaration had no effect from the 1st to the 8th, because at that time there was no blockade at all; the declaration states a fact, but does not take the place of one. The rule goes further: the declaration shall not even be operative from the 8th onwards; it is definitely void, and another must be made.

There is no question here of cases where Article 9 is disregarded by neglect to allow neutral vessels in the blockaded port time to leave it. The sanction could not be the same. There is no reason to annul the declaration as regards neutral vessels wishing to enter the blockaded port. A special sanction is needed in that case, and it is provided by Article 16, paragraph 2.

#### ARTICLE 11.

*A declaration of blockade is notified—*

- (1) *To neutral Powers, by the blockading Power by means of a communication addressed to the Governments direct, or to their representatives accredited to it;*
- (2) *To the local authorities, by the officer commanding the blockading force. The local authorities will, in turn, inform the foreign consular officers at the port or on the coastline under blockade as soon as possible.*

A declaration of blockade is not valid unless notified. The observance of a rule can only be required by those who have the opportunity of knowing it.

Two notifications must be made:—

1. The first is addressed to neutral Powers by the belligerent Power, which communicates it to the Governments themselves or to their representatives accredited to it. The communication to the Governments will in most cases be made through the diplomatic agents; it might happen that a belligerent had no diplomatic



relations with a neutral country; he will then address himself, ordinarily by telegraph, directly to the Government of that country. It is the duty of the neutral Governments advised of the declaration of blockade to take the necessary measures to dispatch the news to the different parts of their territory, especially their ports.

2. The second notification is made by the commander of the blockading force to the local authorities. These must inform, as soon as possible, the foreign Consuls residing at the blockaded place or on the blockaded coastline. Those authorities would be responsible for the neglect of this obligation. Neutrals might suffer loss from the fact of not having been informed of the blockade in sufficient time.

#### ARTICLE 12.

*The rules as to declaration and notification of blockade apply to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised.*

Supposing a blockade is extended beyond its original limits: as regards the new part, it is a new blockade, and, in consequence, the rules as to declaration and notification must be applied to it. The same is true in cases where a blockade is re-established after having been raised; the fact that a blockade has already existed in the same locality must not be taken into account.

#### ARTICLE 13.

*The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by Article 11.*

If it is indispensable to know of the establishment of a blockade, it would at least be useful for the public to be told of its raising, since it puts an end to the restrictions imposed on the relations of neutrals with the blockaded port. It has therefore been thought fit to ask the Power which raises a blockade to make known the fact in the form in which it has notified the establishment of the blockade (Article 11). Only it must be observed that the sanction could not be the same in the two cases. To ensure the notification of the declaration of blockade there is a direct and adequate sanction: an unnotified blockade is not binding. In the case of the raising there can be no parallel to this. The public will really gain by the raising, even without being told of it officially. The blockading Power which did not notify the raising would expose itself to diplomatic remonstrances on the ground of the non-fulfilment of an international duty. This non-fulfilment will have more or less serious consequences, according to circumstances. Sometimes the raising of the blockade will really have become known at once, and official notification would add nothing to this effective publicity.

It is needless to add that only the *voluntary* raising of a blockade is here in question; if the blockading force has been driven off by the arrival of enemy forces, it cannot be held bound to make known its defeat, which its adversary will undertake to do without delay. Instead of raising a blockade, a belligerent may confine himself to restricting it; he only blockades one port instead of two. As regards the port which ceases to be included in the blockade, it is a case of voluntary raising, and consequently the same rule applies.

#### ARTICLE 14.

*The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.*

For a vessel to be liable to capture for breach of blockade, the first condition is that she must be aware of the blockade, because it is not just to punish some one for breaking a rule which he does not know. Nevertheless, there are circumstances in which, even in the absence of proof of actual knowledge, knowledge may be presumed, the right of rebutting this presumption being always reserved to the party concerned (Article 15).

#### ARTICLE 15.

*Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade to the Power to which such port belongs, provided that such notification was made in sufficient time.*

A vessel has left a neutral port subsequently to the notification of the blockade made to the Powers to which the port belongs. Was this notification made in sufficient time, that is to say, so as to reach the port in question, where it had to be published by the port authorities? That is a question of fact to be examined. If it is settled affirmatively, it is natural to suppose that the vessel was aware of the blockade at the time of her departure. This presumption is not however absolute, and the right to adduce proof to the contrary is reserved. It is for the incriminated vessel to furnish it, by showing that circumstances existed which explain her ignorance.

#### ARTICLE 16.

*If a vessel approaching a blockaded port has no knowledge, actual or presumptive, of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's logbook, and must state the day and hour, and the geographical position of the vessel at the time.*

*If through the negligence of the officer commanding the blockading force no declaration of blockade has been notified to the local authorities, or, if in the declaration, as notified, no period has been mentioned within which neutral vessels may come out, a neutral vessel coming out of the blockaded port must be allowed to pass free.*

A vessel is supposed to be approaching a blockaded port without its being possible to tell whether she knows or is presumed to know



of the existence of the blockade; no notification in the sense of Article 11 has reached her. In that case a special notification is necessary in order that the vessel may be duly informed of the fact of the blockade. This notification is made to the vessel herself by an officer of one of the warships of the blockading force, and is entered on the vessel's logbook. It may be made to the vessels of a convoyed fleet by a neutral warship through the commander of the convoy, who acknowledges receipt of it and takes the necessary measures to have the notification entered on the logbook of each vessel. The entry notes the time and place where it is made, and the names of the blockaded places. The vessel is prevented from passing, and the blockade is thus made *binding* for her, though not *previously* notified; this adverb is therefore omitted in Article 8. It cannot be admitted that a merchant vessel should claim to disregard a real blockade, and to break it for the sole reason that she was not personally aware of it. But, though she may be prevented from passing, she may only be captured when she tries to break blockade after receiving the notification. This special notification is seen to play a very small part, and must not be confused with the special notification absolutely insisted on by the practice of certain navies.

What has just been said refers to the vessel coming in. The vessel leaving the blockaded port must also be considered. If a regular notification of the blockade has been made to the local authorities [Article 11 (2)], the position is simple: the vessel is, or is presumed to be, aware of the blockade, and is therefore liable to capture in case she has not kept to the period for leaving allowed by the blockading Power. But it may happen that no declaration of blockade has been notified to the local authorities, or that that declaration has contained no mention of the period allowed for leaving, in spite of the rule prescribed by Article 9 (3). The sanction of the blockading Power's offence is that the vessel must be allowed to go free. It is a strong sanction, which corresponds exactly with the nature of the offence committed, and will be the best means of preventing its commission.

It is needless to say that this provision only concerns vessels to which the period allowed for leaving would have been of use—that is to say, neutral vessels which were in the port at the time when the blockade was established; it has nothing to do with vessels which are in the port after having broken blockade.

The commander of the blockading squadron may always repair his omission or mistake, make a notification of the blockade to the local authorities, or complete that which he has already made.

As is seen from these explanations, the most ordinary case is assumed—that in which the absence of notification implies negligence on the part of the commander of the blockading forces. The situation is clearly altogether changed if the commander has done all in his power to make the notification, but has been prevented from doing so by lack of good-will on the part of the local authorities, who have intercepted all communications from outside. In that case he cannot be forced to let pass vessels which wish to leave, and which, in the absence of the prescribed notification and of presumptive knowledge



of the blockade, are in a position similar to that contemplated in Article 16, paragraph 1.

#### ARTICLE 17.

*Neutral vessels may not be captured for breach of blockade except within the area of operations of the warships detailed to render the blockade effective.*

The other condition of the liability of a vessel to capture is that she should be found within the area of operations of the warships detailed to make the blockade effective; it is not enough that she should be on her way to the blockaded port.

As for what constitutes the *area of operations*, an explanation has been given which has been universally accepted, and is quoted here as furnishing the best commentary on the rule laid down by Article 17:—

“When a Government decides to undertake blockading operations against some part of the enemy coast it details a certain number of warships to take part in the blockade, and intrusts the command to an officer whose duty is to use them for the purpose of making the blockade effective. The commander of the naval force thus formed posts the ships at his disposal according to the line of the coast and the geographical position of the blockaded places, and intrusts each ship as to the part which she has to play, and especially as to the zone which she is to watch. All the zones watched taken together, and so organized as to make the blockade effective, form the area of operations of the blockading naval force.

“The area of operations so constituted is intimately connected with the effectiveness of the blockade, and also with the number of ships employed on it.

“Cases may occur in which a single ship will be enough to keep a blockade effective,—for instance, at the entrance of a port, or at the mouth of a river with a small estuary, so long as circumstances allow the blockading ship to stay near enough to the entrance. In that case the area of operations is itself near the coast. But, on the other hand, if circumstances force her to remain far off, one ship may not be enough to secure effectiveness, and to maintain this she will then have to be supported by others. From this cause the area of operations becomes wider, and extends further from the coast. It may therefore vary with circumstances, and with the number of blockading ships, but it will always be limited by the condition that effectiveness must be assured.

“It does not seem possible to fix the limits of the area of operations in definite figures, any more than to fix beforehand and definitely the number of ships necessary to assure the effectiveness of any blockade. These

points must be settled according to circumstances in each particular case of a blockade. This might perhaps be done at the time of making the declaration.

"It is clear that a blockade will not be established in the same way on a defenceless coast as on one possessing all modern means of defence. In the latter case there could be no question of enforcing a rule such as that which formerly required that ships should be stationary and sufficiently close to the blockaded places; the position would be too dangerous for the ships of the blockading force which, besides, now possess more powerful means of watching effectively a much wider zone than formerly.

"The area of operations of a blockading naval force may be rather wide, but as it depends on the number of ships contributing to the effectiveness of the blockade, and is always limited by the condition that it should be effective, it will never reach distant seas where merchant vessels sail which are, perhaps, making for the blockaded ports, but whose destination is contingent on the changes which circumstances may produce in the blockade during their voyage. To sum up, the idea of the area of operations joined with that of effectiveness, as we have tried to define it, that is to say, including the zone of operations of the blockading forces, allows the belligerent effectively to exercise the right of blockade which he admittedly possesses and, on the other hand, saves neutrals from exposure to the drawbacks of blockade at a great distance, while it leaves them free to run the risk which they knowingly incur by approaching points to which access is forbidden by the belligerent."

#### Article 18.

*The blockading forces must not bar access to neutral ports or coasts.*

This rule has been thought necessary the better to protect the commercial interests of neutral countries; it completes Article 1, according to which a blockade must not extend beyond the ports and coasts of the enemy, which implies that, as it is an operation of war, it must not be directed against a neutral port, in spite of the importance to a belligerent of the part played by that neutral port in supplying his adversary.

#### ARTICLE 19.

*Whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade, if at the moment, she is on her way to a non-blockaded port.*

It is the true destination of the vessel which must be considered when a breach of blockade is in question, and not the ulterior

destination of the cargo. Proof or presumption of the latter is therefore not enough to justify the capture, for breach of blockade, of a ship actually bound for an unblockaded port. But the cruiser might always prove that this destination to an unblockaded port is only apparent, and that in reality the immediate destination of the vessel is the blockaded port.

#### ARTICLE 20.

*A vessel which has broken blockade outwards, or which has attempted to break blockade inwards, is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can no longer be effected,*

A vessel has left the blockaded port or tried to enter it. Shall she remain indefinitely liable to capture? To reply by an absolute affirmative would be to go too far. This vessel must remain liable to capture so long as she is pursued by a ship of the blockading force; it would not be enough for her to be encountered by a cruiser of the blockading enemy which did not belong to the blockading squadron. The question whether or not the pursuit is abandoned is one of fact; it is not enough that the vessel should take refuge in a neutral port. The ship which is pursuing her can wait till she leaves it, so that the pursuit is necessarily suspended, but not abandoned. Capture is no longer possible when the blockade has been raised.

#### ARTICLE 21.

*A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned, unless it is proved that at the time of the shipment of the goods the shipper neither knew nor could have known of the intention to break the blockade.*

The vessel is condemned in all cases. The cargo is also condemned on principle, but the interested party is allowed to oppose a plea of good faith, that is to say, to prove that, when the goods were shipped the shipper did not know and could not have known, of the intention to break the blockade,

#### CHAPTER II.

#### CONTRABAND OF WAR.

This chapter is one of the most, if not the most, important of the Declaration. It deals with a matter which has sometimes, given rise to serious disputes between belligerents and neutrals. Therefore regulations to establish exactly the rights and duties of each have often been urgently called for. Peaceful trade may be grateful for the precision with which a subject of the highest importance to its interests is now for the first time treated.



The notion of contraband of war connotes two elements: it concerns objects of a certain kind and with a certain destination. Cannons, for instance, are carried in a neutral vessel. Are they contraband? That depends: if they are destined for a neutral Government,—no; if they are destined for an enemy Government,—yes. The trade in certain articles is by no means generally forbidden during war; it is the trade with the enemy in these articles which is illicit, and against which the belligerent to those detriment it is carried on may protect himself by the measures allowed by international law.

Articles 22 and 24 enumerate the articles which may be contraband of war, and which are so in fact when they have a certain destination laid down in Articles 30 and 33. The traditional distinction between *absolute* and *conditional* contraband is maintained: Articles 22 and 30 refer to the former, and Articles 24 and 33 to the latter.

#### ARTICLE 22.

*The following articles may, without notice, (a) be treated as contraband of war, under the name of absolute contraband:—*

- (1) *Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.*
- (2) *Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.*
- (3) *Powder and explosives specially prepared for use in war.*
- (4) *Gun-mountings, limber-boxes, limbers, military wagons, field forges and their distinctive component parts.*
- (5) *Clothing and equipment of a distinctively military character.*
- (6) *All kinds of harness of a distinctively military character.*
- (7) *Saddle, draught, and pack animals suitable for use in war.*
- (8) *Articles of camp equipment, and their distinctive component parts.*
- (9) *Armour plates.*
- (10) *Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.*
- (11) *Implements and apparatus designed exclusively for the manufacture of munitions of war for the manufacture or repair of arms, or war material for use on land or sea.*

This list is that drawn up at the second Peace Conference by the committee charged with the special study of the question of contraband. It was the result of mutual concessions, and it has not seemed wise to reopen discussion on this subject for the purpose either of cutting out or of adding articles.

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(a) In view of the difficulty of finding an exact equivalent in English for the expression "*de plein droit*," it has been decided to translate it by the words "without notice," which represent the meaning attached to it by the draftsman of the present General Report.

The words *de plein droit* (without notice) imply that the provision becomes operative by the mere fact of the war, and that no declaration by the belligerents is necessary. Trade is already warned in time of peace.

#### ARTICLE 23.

*Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.*

*Such notification must be addressed to the Governments of other Powers, or to their representatives accredited to the Power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral Powers.*

Certain discoveries or inventions might make the list in Article 22 insufficient. An addition may be made to it on condition that it concerns articles *exclusively used for war*. This addition must be notified to the other Powers, which will take the necessary measures to inform their subjects of it. In theory the notification may be made in time of peace or of war. The former case will doubtless rarely occur because a State which made such a notification might be suspected of meditating a war; it would, nevertheless, have the advantage of informing trade beforehand. There was no reason for making it impossible.

The right given to a Power to make an addition to the list by a mere declaration has been thought too wide. It should be noticed that this right does not involve the dangers supposed. In the first place it is understood that the declaration is only operative for the Power which makes it, in the sense that the article added will only be contraband for it, as a belligerent; other States may, of course, also make a similar declaration. The addition may only refer to articles *exclusively used for war*; at present, it would be hard to mention any such articles which are not included in the list. The future is left free. If a Power claimed to add to the list of absolute contraband articles not exclusively used for war, it might expose itself to diplomatic remonstrances, because it would be disregarding an accepted rule. Besides, there would be an eventual resort to the International Prize Court. Suppose that the Court holds that the article mentioned in the declaration of absolute contraband is wrongly placed there because it is not exclusively used for war, but that it might have been included in a declaration of conditional contraband. Confiscation may then be justified if the capture was made in the conditions laid down for this kind of contraband (Articles 33-35) which differ from those enforced for absolute contraband (Article 30).

It had been suggested that, in the interest of neutral trade, a period should elapse between the notification and its enforcement. But that would be very damaging to the belligerent, whose object is precisely to protect himself, since, during that period the trade in articles which he thinks dangerous would be free and the effect of his measure a failure. Account has been taken, in another form, of the considerations of equity which have been adduced (see Article 43).



## ARTICLE 24.

The following articles, susceptible of use in war as well as for purposes of peace, may, without notice, (a) be treated as contraband of war, under the name of conditional contraband:—

- (1) Foodstuffs.
- (2) Forage and grain, suitable for feeding animals.
- (3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
- (4) Gold and silver in coin or bullion; paper money.
- (5) Vehicles of all kinds available for use in war, and their component parts.
- (6) Vessels, craft, and boats of all kinds; floating docks, parts of docks and their component parts.
- (7) Railway material, both fixed and rolling stock, and material for telegraphs, wireless telegraphs, and telephones.
- (8) Balloons and flying machines and their distinctive component parts; together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.
- (9) Fuel; lubricants.
- (10) Powder and explosives not specially prepared for use in war.
- (11) Barbed wire and implements for fixing and cutting the same.
- (12) Horseshoes and shoeing materials.
- (13) Harness and saddlery.
- (14) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

On the expression *de plein droit* (without notice) the same remark must be made as with regard to Article 22. The articles enumerated are only conditional contraband if they have the destination specified in Article 33.

*Foodstuffs* include products necessary or useful for sustaining man, whether solid or liquid.

*Paper money* only includes inconvertible paper money, i.e., banknotes which may or not be legal tender. Bills of exchange and cheques are excluded.

Engines and boilers are included in (6).

Railway material includes fixtures (such as rails, sleepers, turntables, parts of bridges), and rolling stock (such as locomotives, carriages, and trucks).

## ARTICLE 25.

Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in Articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

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(a) In view of the difficulty of finding an exact equivalent in English for the expression "*de plein droit*," it has been decided to translate it by the words "without notice," which represent the meaning attached to it by the draftsman of the present General Report.



This provision corresponds, as regards conditional contraband, to that in Article 23 as regards absolute contraband.

#### ARTICLE 26.

*If a Power waives, so far as it is concerned, the right to treat as contraband of war an article comprised in any of the classes enumerated in Articles 22 and 24, such intention shall be announced by a declaration which must be notified in the manner provided for in the second paragraph of Article 23.*

A belligerent may not wish to use the right to treat as contraband of war all the articles included in the above lists. It may suit him to add to conditional contraband an article included in absolute contraband or to declare free, so far as he is concerned, the trade in some article included in one class or the other. It is desirable that he should make known his intention on this subject, and he will probably do so in order to have the credit of the measure. If he does not do so, but confines himself to giving instructions to his cruisers, the vessels searched will be agreeably surprised if the searcher does not reproach them with carrying what they themselves consider contraband. Nothing can prevent a Power from making such a declaration in time of peace. See what is said as regards Article 23.

#### ARTICLE 27.

*Articles which are not susceptible of use in war may not be declared contraband of war.*

The existence of a so-called *free list* (Article 28) makes it useful thus to put on record that articles which cannot be used for purposes of war may not be declared contraband of war. It might have been thought that articles not included in that list might at least be declared conditional contraband.

#### ARTICLE 28.

*The following may not be declared contraband of war:—*

- (1) *Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.*
- (2) *Oil seeds and nuts; copra.*
- (3) *Rubber, resins, gums, and lacs; hops.*
- (4) *Raw hides and horns, bones, and ivory.*
- (5) *Natural and artificial manures, including nitrates and phosphates for agricultural purposes.*
- (6) *Metallic ores.*
- (7) *Earths, clays, lime, chalk, stone, including marble, bricks, slates and tiles.*
- (8) *Chinaware and glass.*
- (9) *Paper and paper-making materials.*
- (10) *Soap, paint and colours, including articles exclusively used in their manufacture, and varnish.*
- (11) *Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.*

- (12) *Agricultural, mining, textile, and printing machinery.*
- (13) *Precious and semi-precious stones, pearls, mother-of-pearl and coral.*
- (14) *Clocks and watches, other than chronometers.*
- (15) *Fashion and fancy goods.*
- (16) *Feathers of all kinds, hairs, and bristles.*
- (17) *Articles of household furniture and decoration; office furniture and requisites.*

To lessen the drawbacks of war as regards neutral trade it has been thought useful to draw up this so-called *free list*, but this does not mean, as has been explained above, that all articles outside it might be declared contraband of war.

The *ores* here referred to are the product of mines from which metals are derived.

There was a demand that *dyestuffs* should be included in (10), but this seemed too general, for there are materials from which colours are derived, such as coal, which also have other uses. Products only used for making colours enjoy the exemption.

"Articles de Paris," an expression the meaning of which is universally understood, come under (15).

(16) refers to the hair of certain animals, such as pigs and wild boars.

Carpets and mats come under household furniture and ornaments (17).

#### ARTICLE 29.

*Likewise the following may not be treated as contraband of war:—*

- (1) *Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity, and, subject to the payment of compensation, be requisitioned, if their destination is that specified in Article 30.*
- (2) *Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.*

The articles enumerated in Article 29 are also excluded from treatment as contraband, but for reasons different from those which have led to the inclusion of the list in Article 28.

Motives of humanity have exempted articles exclusively used to aid the sick and wounded, which, of course, include drugs and different medicines. This does not refer to hospital-ships, which enjoy special immunity under the convention of the Hague of the 18th October, 1907, but to ordinary merchant vessels, whose cargo includes articles of the kind mentioned. The cruiser has, however, the right, in case of urgent necessity, to requisition such articles for the needs of her crew or of the fleet to which she belongs, but they can only be requisitioned on payment of compensation. It must, however, be observed that this right of requisition may not be exercised in all cases. The articles in question must have the destination specified in Article 30, that is to say, an enemy destination. Otherwise, the ordinary law regains its sway; a belligerent could not have the right of requisition as regards neutral vessels on the high seas.

Articles intended for the use of the vessel, which might in themselves and by their nature be contraband of war, may not be so treated,—for instance, arms intended for the defence of the vessel against pirates, or for making signals. The same is true of articles intended for the use of the crew and passengers during the voyage; the crew here includes all persons in the service of the vessel in general.

*Destination of Contraband.*—As has been said the second element in the notion of contraband is *destination*. Great difficulties have arisen on this subject, which find expression in the *theory of continuous voyage*, so often attacked or adduced without a clear comprehension of its exact meaning. Cases must simply be considered on their merits so as to see how they can be settled without unnecessarily annoying neutrals or sacrificing the legitimate rights of belligerents.

In order to effect a compromise between conflicting theories and practices, absolute and conditional contraband have been differently treated in this connection.

Articles 30 to 32 refer to absolute, and Articles 33 to 36 to conditional contraband.

#### ARTICLE 30.

*Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transshipment or a subsequent transport by land.*

The articles included in the list in Article 22 are absolute contraband when they are destined for territory belonging to or occupied by the enemy, or for his armed military or naval forces. These articles are liable to capture as soon as a final destination of this kind can be shown by the captor to exist. It is not, therefore, the destination of the vessel which is decisive, but that of the goods. It makes no difference if these goods are on board a vessel which is to discharge them in a neutral port; as soon as the captor is able to show that they are to be forwarded from there by land or sea to an enemy country, it is enough to justify the capture and subsequent condemnation of the cargo. The very principle of continuous voyage, as regards absolute contraband, is established by Article 30. The journey made by the goods is regarded as a whole.

#### ARTICLE 31.

*Proof of the destination specified in Article 30 is complete in the following cases:—*

- (1) *When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.*
- (2) *When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.*

As has been said, the obligation of proving that the contraband goods really have the destination specified in Article 30 rests



with the captor. In certain cases proof of the destination specified in Article 31 is *conclusive*, that is to say, the proof may not be rebutted.

*First Case.*—The goods are *documented* for discharge in an enemy port, that is to say, according to the ship's papers referring to those goods, they are to be discharged there. In this case there is a real admission of enemy destination on the part of the interested parties themselves.

*Second Case.*—The vessel is to touch at enemy ports only; or she is to touch at an enemy port before reaching the neutral port for which the goods are documented, so that although these goods, according to the papers referring to them, are to be discharged in a neutral port, the vessel carrying them is to touch at an enemy port before reaching that neutral port. They will be liable to capture, and the possibility of proving that their neutral destination is real and in accordance with the intentions of the parties interested is not admitted. The fact that, before reaching that destination, the vessel will touch at an enemy port, would occasion too great a risk for the belligerent whose cruiser searches the vessel. Even without assuming that there is intentional fraud, there might be a strong temptation for the master of the merchant vessel to discharge the contraband, for which he would get a good price, and for the local authorities to requisition the goods.

The same case arises where the vessel, before reaching the neutral port, is to join the armed forces of the enemy.

For the sake of simplicity, the provision only speaks of an *enemy port*, but it is understood that a *port occupied by the enemy* must be regarded as an enemy port, as follows from the general rule in Article 30.

#### ARTICLE 32.

*Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.*

The papers, therefore, are conclusive proof of the course of the vessel unless she is encountered in circumstances which show that their statements are not to be trusted. See also the explanations given as regards Article 35.

#### ARTICLE 33.

*Conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces or of a government department of the enemy State, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under Article 24 (4).*

The rules for conditional contraband differ from those laid down for absolute contraband in two respects: (1) there is no question of destination for the enemy in general, but of destination for the use of his armed forces or government departments;

(2) the doctrine of continuous voyage is excluded. Articles 33 and 34 refer to the first, and Article 35 to the second principle.

The articles included in the list of conditional contraband may serve for peaceful uses as well as for hostile purposes. If, from the circumstances, the peaceful purpose is clear, their capture is not justified; it is otherwise if a hostile purpose is to be assumed, as, for instance, in the case of foodstuffs destined for an enemy army or fleet, or of coal destined for an enemy fleet. In such a case there is clearly no room for doubt. But what is the solution when the articles are destined for the civil government departments of the enemy State? It may be money sent to a government department, for the use in the payment of its official salaries, or rails sent to a department of public works. In these cases there is *enemy destination* which renders the goods liable in the first place to capture, and in the second to condemnation. The reasons for this are at once legal and practical. The State is one, although it necessarily acts through different departments. If a civil department may freely receive foodstuffs or money, that department is not the only gainer, but the entire State, including its military administration, gains also, since the general resources of the State are thereby increased. Further, the receipts of a civil department may be considered of greater use to the military administration and directly assigned to the latter. Money or foodstuffs really destined for a civil department may thus come to be used directly for the needs of the army. This possibility, which is always present, shows why destination for the departments of the enemy State is assimilated to that for its armed forces.

It is the *departments of the State* which are dependent on the central power that are in question, and not all the departments which may exist in the enemy State; local and municipal bodies, for instance, are not included, and articles destined for their use would not be contraband.

War may be waged in such circumstances that destination for the use of a civil department cannot be suspect, and consequently cannot make goods contraband. For instance, there is a war in Europe, and the colonies of the belligerent countries are not, in fact, affected by it. Foodstuffs or other articles in the list of conditional contraband destined for the use of the civil government of a colony would not be held to be contraband of war, because the considerations adduced above do not apply to their case; the resources of the civil government cannot be drawn on for the needs of the war. Gold, silver, or paper money are exceptions, because a sum of money can easily be sent from one end of the world to the other.

#### ARTICLE 34.

*The destination referred to in Article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country, who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No*



*such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.*

*In cases where the above presumptions do not arise, the destination is presumed to be innocent.*

*The presumptions set up by this Article may be rebutted.*

Contraband articles will not usually be directly addressed to the military authorities or to the government departments of the enemy State. Their true destination will be more or less concealed, and the captor must prove it in order to justify their capture. But it has been thought reasonable to set up presumptions based on the nature of the person to whom, or place for which, the articles are destined. It may be an enemy authority or a trader established in an enemy country who, as a matter of common knowledge, supplies the enemy Government with articles of the kind in question. It may be a fortified place belonging to the enemy or a place used as a base, whether of operations or of supply, for the armed forces of the enemy.

This general presumption may not be applied to the merchant vessel herself on her way to a fortified place, though she may in herself be conditional contraband, but only if her destination for the use of the armed forces or government departments of the enemy State is directly proved.

In the absence of the above presumptions, the destination is presumed to be innocent. That is the ordinary law, according to which the captor must prove the illicit character of the goods which he claims to capture.

Finally, all the presumptions thus set up in the interest of the captor or against him may be rebutted. The national tribunals, in the first place, and, in the second, the International Court, will exercise their judgment.

#### ARTICLE 35.

*Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.*

*The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.*

As has been said above, the doctrine of continuous voyage is excluded for conditional contraband, which is only liable to capture when it is to be discharged in an enemy port. As soon as the goods are documented for discharge in a neutral port they can no longer be contraband, and no examination will be made as to whether they are to be forwarded to the enemy by sea or land from that neutral port. It is here that the case of absolute contraband is essentially different.

The ship's papers furnish complete proof as to the voyage on which the vessel is engaged and as to the place where the cargo is to



be discharged; but this would not be so if the vessel were encountered clearly out of the course which she should follow according to her papers, and unable to give adequate reasons to justify such deviation.

This rule as to the proof furnished by the ship's papers is intended to prevent claims frivolously raised by a cruiser and giving rise to unjustifiable captures. It must not be too literally interpreted, for that would make all frauds easy. Thus it does not hold good when the vessel is encountered at sea clearly out of the course which she ought to have followed, and unable to justify such deviation. The ship's papers are then in contradiction with the true facts and lose all value as evidence; the cruiser will be free to decide according to the merits of the case. In the same way, a search of the vessel may reveal facts which irrefutably prove that her destination or the place where the goods are to be discharged is incorrectly entered in the ship's papers. The commander of the cruiser is then free to judge of the circumstances and capture the vessel or not according to his judgment. To resume, the ship's papers are proof, unless facts show their evidence to be false. This qualification of the value of the ship's papers as proof seems self-evident and unworthy of special mention. The aim has been not to appear to weaken the force of the general rule, which forms a safeguard for neutral trade.

It does not follow that, because a single entry in the ship's papers is shown to be false, their evidence loses its value as a whole. The entries which cannot be proved false retain their value.

#### ARTICLE 36.

*Notwithstanding the provisions of Article 35, conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture in cases where the enemy country has no seaboard.*

The case contemplated is certainly rare, but has nevertheless arisen in recent wars. In the case of absolute contraband, there is no difficulty, since destination for the enemy may always be proved, whatever the route by which the goods are sent (Article 30). For conditional contraband the case is different, and an exception must be made to the general rule laid down in Article 35, paragraph 1, so as to allow the captor to prove that the suspected goods really have the special destination referred to in Article 33 without the possibility of being confronted by the objection that they were to be discharged in a neutral port.

#### ARTICLE 37.

*A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination.*

The vessel may be captured for contraband during the whole of her voyage, provided that she is in waters where an act of war is lawful. The fact that she intends to touch at a port of call before reaching the enemy destination does not prevent capture, provided that destination in her particular case is proved in conformity with

the rules laid down in Articles 30 to 32 for absolute, and in Articles 33 to 35 for conditional contraband, subject to the exception provided for in Article 36.

#### ARTICLE 38.

*A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.*

A vessel is liable to capture for carrying contraband, but not for having done so.

#### ARTICLE 39.

*Contraband goods are liable to condemnation.*

This presents no difficulty.

#### ARTICLE 40.

*A vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.*

It was universally admitted that in certain cases the condemnation of the contraband is not enough, and that the vessel herself should also be condemned, but opinions differed as to what these cases were. It was decided that the contraband must bear a certain proportion to the total cargo. But the question divides itself into two parts: (1) What shall be the proportion? The solution adopted is the mean between those proposed, which varied from a quarter to three-quarters. (2) How shall this proportion be reckoned? Must the contraband form more than half the cargo in volume, weight, value, or freight? The adoption of a single fixed standard gives rise to theoretical objections, and also to practices intended to avoid condemnation of the vessel in spite of the importance of the cargo. If the standard of volume or weight is adopted, the master will ship innocent goods occupying space, or of weight, sufficient to exceed the contraband. A similar remark may be made as regards the standard of value or freight. The consequence is that, in order to justify condemnation, it is enough that the contraband should form more than half the cargo by any one of the above standards. This may seem harsh; but, on the one hand, any other system would make fraudulent calculations easy, and, on the other, the condemnation of the vessel may be said to be justified when the carriage of contraband formed an important part of her venture—a statement which applies to all the cases specified.

#### ARTICLE 41.

*If a vessel carrying contraband is released, she may be condemned to pay the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.*

It is not just that, on the one hand, the carriage of more than a certain proportion of contraband should involve the condemnation of the vessel, while if the contraband forms less than this proportion, it alone is confiscated. This often involves no loss for the master, the freight of this contraband having been paid in advance. Does this not encourage trade in contraband, and ought not a certain penalty to be imposed for the carriage of a proportion of contraband less than that required to entail condemnation. A kind of fine was proposed which should bear a relation to the value of the contraband articles. Objections of various sorts were brought forward against this proposal, although the principle of the infliction of some kind of pecuniary loss for the carriage of contraband seemed justified. The same object was attained in another way by providing that the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and of the custody of the vessel and of her cargo during the proceedings are to be paid by the vessel. The expenses of the custody of the vessel include in this case the keep of the captured vessel's crew. It should be added that the loss to a vessel by being taken to a prize port and kept there is the most serious deterrent as regards the carriage of contraband.

#### ARTICLE 42.

*Goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.*

The owner of the contraband is punished in the first place by the condemnation of his contraband property; and in the second by that of the goods, even if innocent, which he may possess on board the same vessel.

#### ARTICLE 43.

*If a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, the contraband cannot be condemned except on payment of compensation; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and expenses referred to in Article 41. The same rule applies if the master, after becoming aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.*

*A vessel is deemed to be aware of the existence of a state of war or of a declaration of contraband, if she left a neutral port subsequently to the notification to the Power to which such port belongs of the outbreak of hostilities, or of the declaration of contraband provided such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities.*

This provision is intended to spare neutrals who might in fact be carrying contraband, but against whom no charge could be made. This may arise in two cases. The first is that in which they are



unaware of the outbreak of hostilities; the second is that in which though aware of this, they do not know of the declaration of contraband made by a belligerent, in accordance with Articles 23 and 25, which is, as it happens, the one applicable to the whole or a part of the cargo. It would be unjust to capture the ship and condemn the contraband; on the other hand, the cruiser cannot be obliged to let go on to the enemy goods suitable for use in the war of which he may stand in urgent need. These opposing interests are reconciled by making condemnation conditional on the payment of compensation (see the convention of the 18th October, 1907, on the rules for enemy merchant vessels on the outbreak of hostilities, which expresses a similar idea).

#### ARTICLE 44.

*A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the proportion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.*

*The delivery of the contraband must be entered by the captor on the logbook of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.*

*The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.*

A neutral vessel is stopped for carrying contraband. She is not liable to condemnation, because the contraband does not reach the proportion specified in Article 40. She can, nevertheless, be taken to a prize port for judgment to be passed on the contraband. This right of the captor appears too wide in certain cases, if the importance of the contraband, possibly slight (for instance, a case of guns or revolvers), is compared with the heavy loss incurred by the vessel by being thus turned out of her course and detained during the time taken up by the proceedings. The question has, therefore, been asked whether the right of the neutral vessel to continue her voyage might not be admitted if the contraband articles were handed over to the captor, who, on his part, might only refuse to receive them for sufficient reasons, for instance, the rough state of the sea, which would make transshipment difficult or impossible, well founded suspicions as to the amount of contraband which the merchant vessel is really carrying, the difficulty of stowing the articles on board the warship, etc. This proposal did not gain sufficient support. It was alleged to be impossible to impose such an obligation on the cruiser, for which this handing over of goods would almost always have drawbacks. If, by chance, it has none, the cruiser will not refuse it, because she herself will gain by not being turned out of her course by having to take the vessel to a port. The idea of an obligation having thus been excluded, it was decided to provide for the voluntary handing over of the contraband, which, it is hoped, will be carried out whenever possible, to the great advantage of both parties. The formalities provided for are very simple and need no explanation.

There must be a judgment of a prize court as regards the goods thus handed over. For this purpose the captor must be furnished with the necessary papers. It may be supposed that there might be doubt as to the character of certain articles which the cruiser claims as contraband; the master of the merchant vessel contests this claim, but prefers to deliver them up so as to be at liberty to continue his voyage. This is merely a capture which has to be confirmed by the prize court.

The contraband delivered up by the merchant vessel may hamper the cruiser, which must be left free to destroy it at the moment of handing over or later.

### CHAPTER III.

#### UNNEUTRAL SERVICE.

In a general way, it may be said that the merchant vessel which violates neutrality, whether by carrying contraband of war or by breaking blockade, affords aid to the enemy, and it is on this ground that the belligerent whom she injures by her acts is justified in inflicting on her certain losses. But there are cases where such unneutral service bears a particularly distinctive character, and for such cases it has been thought necessary to make special provision. They have been divided into two classes, according to the gravity of the act of which the neutral vessel is accused.

In the cases included in the first class (Article 45), the vessel is condemned, and receives the treatment of a vessel subject to condemnation for carrying contraband. This means that the vessel does not lose her neutral character and has a full claim to the right enjoyed by neutral vessels; for instance, she may not be destroyed by the captor except under the conditions laid down for neutral vessels (Article 48 *et seqq.*); the rule that *the flag covers the goods* applies to goods she carries on board.

In the more serious cases which belong to the second class (Article 46), the vessel is, again, condemned; but further, she is treated not only as a vessel subject to condemnation for carrying contraband, but as an enemy merchant vessel, which treatment entails certain consequences. The rules governing the destruction of neutral prizes does not apply to the vessel, and, as she has become an enemy vessel, it is no longer the second but the third rule of the Declaration of Paris which is applicable. The goods on board will be presumed to be enemy goods; neutrals will have the right to claim their property on establishing their neutrality (Article 59). It would, however, be going too far to say that the original neutral character of the vessel is completely lost, so that she should be treated as though she had always been an enemy vessel. The vessel may plead that the allegation made against her has no foundation in fact, that the act of which she is accused has not the character of unneutral service. She has, therefore, the right of appeal to the International Court in virtue of the provisions which protect neutral property.



## ARTICLE 45.

*A neutral vessel will be condemned and will in a general way, receive the same treatment as a neutral vessel liable to condemnation for carriage of contraband:—*

- (1) *If she is on a voyage specially undertaken with a view to the transport of individual passengers who are embodied in the armed forces of the enemy, or with a view to the transmission of intelligence in the interest of the enemy.*
- (2) *If, to the knowledge of either the owner, the charterer, or the master, she is transporting a military detachment of the enemy, or one or more persons who, in the course of the voyage, directly assist the operations of the enemy.*

*In the cases specified under the above heads, goods belonging to the owner of the vessel are likewise liable to condemnation.*

*The provisions of the present Article do not apply if the vessel is encountered at sea while unaware of the outbreak of hostilities, or if the master, after becoming aware of the outbreak of hostilities, has had no opportunity of disembarking the passengers. The vessel is deemed to be aware of the existence of a state of war if she left an enemy port subsequently to the outbreak of hostilities, or a neutral port subsequently to the notification of the outbreak of hostilities to the Power to which such port belongs, provided that such notification was made in sufficient time.*

The first case supposes passengers travelling as *individuals*; the case of a *military detachment* is dealt with hereafter. The case is that of individuals *embodied* in the armed military or naval forces of the enemy. There was some doubt as to the meaning of this word. Does it include those individuals only who are summoned to serve in virtue of the law of their country and who have really joined the corps to which they are to belong? Or does it also include such individuals from the moment when they are summoned, and before they join that corps? The question is of great practical importance. Supposing the case is one of individuals who are natives of a continental European country and are settled in America; these individuals have military obligations towards their country of origin; they have, for instance, to belong to the reserve of the active army of that country. Their country is at war and they sail to perform their service. Shall they be considered as *embodied* in the sense of the provision which we are discussing? If we judged by the municipal law of certain countries, we might argue that they should be so considered. But, apart from reasons of pure law, the contrary opinion has seemed more in accordance with practical necessity and has been accepted by all in a spirit of conciliation. It would be difficult, perhaps even impossible, without having recourse to vexatious measures to which neutral Governments would not unwillingly submit, to pick out among the passengers in a vessel, those who are bound to perform military service and are on their way to do so.



The transmission of intelligence in the interest of the enemy is to be treated in the same way as the carriage of passengers embodied in his armed force. The reference to a vessel *especially* undertaking a voyage is intended to show that her usual service is not meant. She has been turned from her course; she has touched at a port which she does not ordinarily visit in order to embark the passengers in question. She need not be *exclusively* devoted to the service of the enemy; that case would come into the second class [Article 56 (4)].

In the two cases just mentioned the vessel has performed but a single service; she has been employed to carry certain people, or to transmit certain intelligence; she is not continuously in the service of the enemy. In consequence she may be captured during the voyage on which she is performing the service which she has to render. Once that voyage is finished, all is over, in the sense that she may not be captured for having rendered the service in question. The principle is the same as that recognized in the case of contraband (Article 38).

The second case also falls under two heads.

There is, first, the carriage of a military detachment of the enemy, or that of one or more persons who during the voyage directly assist his operations, for instance, by signalling. If these people are soldiers or sailors in uniform there is no difficulty, the vessel is clearly liable to condemnation. If they are soldiers or sailors in mufti who might be mistaken for ordinary passengers, knowledge on the part of the master or owner is required, the charterer being assimilated to the latter. The rule is the same in the case of persons directly assisting the enemy during the voyage.

In these cases, if the vessel is condemned for unneutral service, the goods belonging to her owner are also liable to condemnation.

These provisions assume that the state of war was known to the vessel engaged in the operations specified; such knowledge is the reason and justification of her condemnation. The position is altogether different when the vessel is unaware of the outbreak of hostilities, so that she undertakes the service in ordinary circumstances. She may have learnt of the outbreak of hostilities while at sea, but have had no chance of landing the persons whom she was carrying. Condemnation would then be unjust, and the equitable rule adopted is in accordance with the provisions already accepted in other matters. If a vessel has left an enemy port subsequently to the outbreak of hostilities, or a neutral port after outbreak has been notified to the Power to whom such port belongs, her knowledge of the existence of a state of war will be presumed.

The question here is merely one of preventing the condemnation of the vessel. The persons found on board her who belong to the armed forces of the enemy may be made prisoners of war by the cruiser.

#### ARTICLE 46.

*A neutral vessel is liable to condemnation and, in a general way, to the same treatment as would be applicable to her if she were an enemy merchant vessel:—*

- (1) *If she takes a direct part in the hostilities.*

- (2) *If she is under the orders or control of an agent placed on board by the enemy Government.*
- (3) *If she is in the exclusive employment of the enemy Government.*
- (4) *If she is exclusively engaged at the time either in the transport of enemy troops or in the transmission of intelligence in the interest of the enemy.*

*In the cases covered by the present Article, goods belonging to the owner of the vessel are likewise liable to condemnation.*

The cases here contemplated are more serious than those in Article 45, which justifies the severer treatment inflicted on the vessel, as explained above.

*First Case.*—The vessel takes a direct part in the hostilities. This may take different forms. It is needless to say that, in an armed conflict, the vessel takes all the risks incidental thereto. We suppose her to have fallen into the power of the enemy whom she was fighting, and who is entitled to treat her as an enemy merchant vessel.

*Second Case.*—The vessel is under the orders or control of an agent placed on board by the enemy Government. His presence marks the relation in which she stands to the enemy. In other circumstances the vessel may also have relations with the enemy, but to be subject to condemnation she must come under the third head.

*Third Case.*—The whole vessel is chartered by the enemy Government, and is therefore entirely at its disposal; it can use her for different purposes more or less directly connected with the war, notably, as a transport; such is the position of colliers which accompany a belligerent fleet. There will often be a charter-party between the belligerent Government and the owner or master of the vessel, but all that is required is proof, and the fact that the whole vessel has in fact been chartered is enough, in whatever way it may be established.

*Fourth Case.*—The vessel is at the time exclusively devoted to the carriage of enemy troops or to the transmission of intelligence in the enemy's interest. The case is different from those dealt with by Article 45, and the question is one of a service to which the ship is permanently devoted. The decision accordingly is that, so long as such service lasts, the vessel is liable to capture, even if, at the moment when an enemy cruiser searches her, she is engaged neither in the transport of troops nor in the transmission of intelligence.

As in the cases in Article 45 and for the same reasons, goods found on board belonging to the owner of the vessel are also liable to condemnation.

It was proposed to treat as an enemy merchant vessel a neutral vessel making, at the time, and with the sanction of the enemy Government, a voyage which she has only been permitted to make subsequently to the outbreak of hostilities or during the two preceding months. This rule would be enforced notably on neutral merchant vessels admitted by a belligerent to a service reserved in time of peace to the national marine of that belligerent—for instance, to



the coasting trade. Several Delegations formally rejected this proposal, so that the question thus raised remains an open one.

#### ARTICLE 47.

*Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel may be made a prisoner of war, even though there be no ground for the capture of the vessel.*

Individuals embodied in the armed military or naval forces of a belligerent may be on board a neutral merchant vessel when she is searched. If the vessel is subject to condemnation, the cruiser will capture her and take her to one of her own ports with the persons on board. Clearly the soldiers or sailors of the enemy State will not be set free, but will be treated as prisoners of war. Perhaps the case will not be one for the capture of the ship—for instance, because the master was unaware of the status of an individual who had come on board as an ordinary passenger. Must the soldier or soldiers on board the vessel be set free? That does not appear admissible. The belligerent cruiser cannot be compelled to set free active enemies who are physically in her power and are more dangerous than this or that contraband article. She must naturally proceed with great discretion, and must act on her own responsibility in requiring the surrender of these individuals, but the right to do so is hers; it has therefore been thought necessary to explain the point.

#### CHAPTER IV.

##### DESTRUCTION OF NEUTRAL PRIZES.

The destruction of neutral prizes was a subject comprised in the programme of the second Peace Conference, and on that occasion no settlement was reached. It reappeared in the programme of the present Conference, and this time agreement has been found possible. Such a result, which bears witness to the sincere desire of all parties to arrive at an understanding, is a matter for congratulation. It has been shown once more that conflicting hard-and-fast rules do not always correspond to things as they are, and that if there be readiness to descend to particulars, and to arrive at the precise way in which the rules have been applied, it will often be found that the actual practice is very much the same, although the doctrines professed appear to be entirely in conflict. To enable two parties to agree, it is first of all necessary that they should understand each other, and this frequently is not the case. Thus it has been found that those who declared for the right to destroy neutral prizes never claimed to use this right wantonly or at every opportunity, but only by way of exception; while, on the other hand, those who maintained the principle that destruction is forbidden admitted that the principle must give way in certain exceptional cases. It therefore became a question of reaching an understanding with regard to those exceptional cases to which, according to both views, the right to destroy should be confined. But this was not



all: there was need for some guarantee against abuse in the exercise of this right; the possibility of arbitrary action in determining these exceptional cases must be limited by throwing some real responsibility upon the captor. It was at this stage that a new idea was introduced into the discussion, thanks to which it was possible to arrive at an agreement. The possibility of intervention by a court of justice will make the captor reflect before he acts, and at the same time secure reparation in cases where there was no reason for the destruction.

Such is the general spirit of the provisions of this chapter,

#### ARTICLE 48.

*A neutral vessel which has been captured may not be destroyed by the captor; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the prize.*

The general principle is very simple. A neutral vessel which has been seized may not be destroyed by the captor; so much may be admitted by every one, whatever view is taken as to the effect produced by the capture. The vessel must be taken into a port for the determination there as to the validity of the prize. A prize crew will be put on board or not, according to circumstances.

#### ARTICLE 49.

*As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of Article 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.*

The first condition necessary to justify the destruction of the captured vessel is that she should be liable to condemnation upon the facts of the case. If the captor cannot even hope to obtain the condemnation of the vessel, how can he lay claim to the right to destroy her?

The second condition is that the observance of the general principle would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time. This is what was finally agreed upon after various solutions had been tried. It was understood that the phrase *compromettre la sécurité* was synonymous with *mettre en danger le navire*, and might be translated into English by: *involve danger*. It is, of course, the situation at the moment when the destruction takes place which must be considered in order to decide whether the conditions are or are not fulfilled. For a danger which did not exist at the actual moment of the capture may have appeared some time afterwards.

#### ARTICLE 50.

*Before the vessel is destroyed all persons on board must be placed in safety, and all the ship's papers and other documents which the parties*

*interested consider relevant for the purpose of deciding on the validity of the capture must be taken on board the warship.*

This provision lays down the precaution to be taken in the interests of the persons on board and of the administration of justice.

#### ARTICLE 51.

*A captor who has destroyed a neutral vessel must, prior to any decision respecting the validity of the prize, establish that he only acted in the face of an exceptional necessity, of the nature contemplated in Article 49. If he fails to do this, he must compensate the parties interested, and no examination shall be made of the question whether the capture was valid or not.*

This claim gives a guarantee against the arbitrary destruction of prizes by throwing a real responsibility upon the captor who has carried out the destruction. The result is that before any decision is given respecting the validity of the prize, the captor must prove that the situation he was in was really one which fell under the head of the exceptional cases contemplated. This must be proved in proceedings to which the neutral is a party, and if the latter is not satisfied with the decision of the national prize court he may take his case to the International Court. Proof to the above effect is therefore, a condition precedent which the captor must fulfil. If he fails to do this, he must compensate the parties interested in the vessel and the cargo, and the question whether the capture was valid or not will not be gone into. In this way a real sanction is provided in respect of the obligation not to destroy a prize except in particular cases, the sanction taking the form of a fine inflicted on the captor. If, on the other hand, this proof is given, the prize procedure follows the usual course; if the prize is declared valid, no compensation is due; if it is declared void, the parties interested have a right to be compensated. Resort to the International Court can only be made after the decision of the prize court has been given on the whole matter, and not immediately after the preliminary question has been decided.

#### ARTICLE 52.

*If the capture of a neutral vessel is subsequently held to be invalid, though the act of destruction has been held to have been justifiable, the captor must pay compensation to the parties interested, in place of the restitution to which they would have been entitled.*

#### ARTICLE 53.

*If neutral goods not liable to condemnation have been destroyed with the vessel, the owner of such goods is entitled to compensation.*

Supposing a vessel which has been destroyed carried neutral goods not liable to condemnation: the owner of such goods has, in every case, a right to compensation, that is, without there being occasion to distinguish between cases where the destruction was or

was not justified. This is equitable and a further guarantee against arbitrary destruction.

#### ARTICLE 54.

*The captor has the right to demand the handing over, or to proceed himself to the destruction, of any goods liable to condemnation found on board a vessel not herself liable to condemnation, provided that the circumstances are such as would, under Article 49, justify the destruction of a vessel herself liable to condemnation. The captor must enter the goods surrendered or destroyed in the logbook of the vessel stopped, and must obtain duly certified copies of all relevant papers. When the goods have been handed over or destroyed and the formalities duly carried out, the master must be allowed to continue his voyage.*

*The provisions of Articles 51 and 52 respecting the obligations of a captor who has destroyed a neutral vessel are applicable.*

A cruiser encounters a neutral merchant vessel carrying contraband in a proportion less than that specified in Article 40. The captain may put a prize crew on board the vessel and take her into a port for adjudication. He may, in conformity with the provisions of Article 44, agree to the handing over of the contraband if offered by the vessel stopped. But what is to happen if neither of these solutions is reached? The vessel stopped does not offer to hand over the contraband, and the cruiser is not in a position to take the vessel into a national port. Is the cruiser obliged to let the neutral vessel go with the contraband on board? To require this seemed going too far, at least in certain exceptional circumstances. These circumstances are in fact the same as would have justified the destruction of the vessel, had she been liable to condemnation. In such a case, the cruiser may demand the handing over, or proceed to the destruction, of the goods liable to condemnation. The reasons for which the right to destroy the vessel has been recognized may justify the destruction of the contraband goods, the more so as the considerations of humanity which can be adduced against the destruction of a vessel do not in this case apply. Against arbitrary demands by the cruiser there are the same guarantees as those which made it possible to recognize the right to destroy the vessel. The captor must, as a preliminary, prove that he was really faced by the exceptional circumstances specified; failing this, he is condemned to pay the value of the goods handed over or destroyed, and the question whether they were contraband or not will not be gone into.

The Article prescribes certain formalities which are necessary to establish the facts of the case and to enable the prize court to adjudicate.

Of course, when once the goods have been handed over or destroyed, and the formalities carried out, the vessel which has been stopped must be left free to continued her voyage.



## CHAPTER V.

## TRANSFER TO A NEUTRAL FLAG.

An enemy merchant vessel is liable to capture, whereas a neutral merchant vessel is immune. It can therefore be readily understood that a belligerent cruiser encountering a merchant vessel which lays claim to neutral nationality has to inquire whether such nationality has been acquired legitimately or merely in order to shield the vessel from the risks to which she would have been exposed had she retained her former nationality. This question naturally arises when the transfer has taken place a comparatively short time before the moment at which the ship is searched, whether the actual date be before, or after, the outbreak of hostilities. The answer will be different according as the question is looked at from the point of view of commercial or belligerent interests. Fortunately, rules have been agreed upon which conciliate both these interests as far as possible and which at the same time tell belligerents and neutral commerce what their position is.

## ARTICLE 55.

*The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent nationality less than sixty days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.*

*Where the transfer was effected more than thirty days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits earned by, the vessel remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than sixty days before the outbreak of hostilities, and if the bill of sale is not on board, the capture of the vessel gives no right to damages.*

The general rule laid down in the first paragraph is that the transfer of an enemy vessel to a neutral flag is valid, assuming, of course, that the ordinary requirements of the law have been fulfilled. It is upon the captor, if he wishes to have the transfer annulled, that the onus lies of proving that its object was to evade the consequences entailed by the war in prospect. There is one case which is treated as suspicious, that, namely, in which the bill of sale is not on board when the ship has changed her nationality less than sixty days before the outbreak of hostilities. The presumption of validity which has been set up by the first paragraph in favour of the vessel is then replaced by a presumption in favour of the captor. It is presumed that the transfer is void, but the presumption may be rebutted. With a view to such rebuttal, proof may be given that the transfer was not effected in order to evade the consequences of the war; it is unnecessary to

add that the ordinary requirements of the law must have been fulfilled.

It was thought desirable to give to commerce a guarantee that the right of treating a transfer as void on the ground that it was effected in order to evade the consequences of war should not extend too far, and should not cover too long a period. Consequently, if the transfer has been effected more than thirty days before the outbreak of hostilities, it cannot be impeached on that ground alone, and it is regarded as unquestionably valid if it has been made under conditions which show that it is genuine and final; these conditions are as follows: the transfer must be unconditional, complete, and in conformity with the laws of the countries concerned, and its effect must be such that both the control of, and the profits earned by, the vessel pass into other hands. When once these conditions are proved to exist, the captor is not allowed to set up the contention that the vendor foresaw the war in which his country was about to be involved, and wished by the sale to shield himself from the risks to which a state of war would have exposed him in respect of the vessels he was transferring. Even in this case, however, when a vessel is encountered by a cruiser and her bill of sale is not on board, she may be captured if a change of nationality has taken place less than sixty days before the outbreak of hostilities; that circumstance has made her suspect. But if before the prize court the proof required by the second paragraph is adduced, she must be released, though she cannot claim compensation, inasmuch as there was good reason for capturing her.

#### ARTICLE 56.

*The transfer of an enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.*

*Provided that there is an absolute presumption that a transfer is void—*

- (1) *If the transfer has been made during a voyage or in a blockaded port.*
- (2) *If a right to repurchase or recover the vessel is reserved to the vendor.*
- (3) *If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing have not been fulfilled.*

The rule respecting transfers made after the outbreak of hostilities is more simple. Such a transfer is only valid if it is proved that its object was not to evade the consequences to which an enemy vessel, as such, is exposed. The rule accepted in respect of transfers made before the outbreak of hostilities is inverted. In that case there is a presumption that the transfer is valid; in the present, that it is void—provided always that proof to the contrary may be given. For instance, it might be proved that the transfer had taken place by inheritance.

Article 56 recites cases in which the presumption that the transfer is void is absolute, for reasons which can be readily understood: in the first case, the connection between the transfer and the war risk



run by the vessel is evident; in the second, the transferee is a mere man of straw, who is to be treated as owner during a dangerous period, after which the vendor will recover possession of his vessel; lastly, the third case might strictly be regarded as already provided for, since a vessel which lays claim to neutral nationality must naturally prove that she has a right to it.

At one time provision was made in this Article for the case of a vessel which was retained, after the transfer, in the trade in which she had previously been engaged. Such a circumstance is in the highest degree suspicious; the transfer has a fictitious appearance, inasmuch as nothing has changed in regard to the vessel's trade. This would apply, for instance, if a vessel were running on the same line before and after the transfer. It was, however, objected that to set up an absolute presumption would sometimes be too severe, and that certain kinds of vessels, as, for example, tank-ships, could, on account of their build, engage only in a certain definite trade. To meet this objection, the word "*route*" was then added, so that it would have been necessary that the vessel should be engaged *in the same trade and on the same route*; it was thought that in this way the above contention would have been satisfactorily met. However, the suppression of this case from the list being insisted on, it was agreed to eliminate it. Consequently a transfer of this character now falls within the general rule; it is certainly presumed to be void, but the presumption may be rebutted.

## CHAPTER VI.

### ENEMY CHARACTER.

The rule in the Declaration of Paris, that "the neutral flag covers enemy goods, with the exception of contraband of war", corresponds so closely with the advance of civilization, and has taken so firm a hold on the public mind, that it is impossible, in the face of so extensive an application, to avoid seeing in that rule the embodiment of a principle of the common law of nations which can no longer be disputed. The determination of the neutral or enemy character of merchant vessels accordingly decides not only the question of the validity of their capture, but also the fate of the non-contraband goods on board. A similar general observation may be made with reference to the neutral or enemy character of goods. No one thinks of contesting to-day the principle according to which "neutral goods, with the exception of contraband of war, are not liable to capture on board an enemy ship." It is, therefore, only in respect of goods found on board an enemy ship that the question whether they are neutral or enemy property arises.

The determination of what constitutes neutral or enemy character thus appears as a development of the two principles laid down in 1856, or rather as a means of securing their just application in practice.

The advantage of deducing from the practices of different countries some clear and simple rules on this subject may be said



to need no demonstration. The uncertainty as to the risk of capture, if it does not put an end to trade, is at least the most serious of hindrances to its continuance. A trader ought to know the risks which he runs in putting his goods on board this or that ship, while the underwriter, if he does not know the extent of those risks, is obliged to charge war premiums which are often either excessive or else inadequate.

The rules which form this chapter are, unfortunately, incomplete; certain important points had to be laid aside, as has been already observed in the introductory explanations, and as will be further explained below.

#### ARTICLE 57.

*Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.*

*The case where a neutral vessel is engaged in a trade which is closed in time of peace, remains outside the scope of this rule, and is in no wise affected by it.*

The principle, therefore, is that *the neutral or enemy character* of a vessel is determined by the flag which she is entitled to fly. It is a simple rule which appears satisfactorily to meet the special case of ships, as distinguished from that of other movable property, and notably of the cargo. From more than one point of view, ships may be said to possess an individuality; notably they have a nationality, a national *character*. This attribute of nationality finds visible expression in the right to fly a flag; it has the effect of placing ships under the protection and control of the State to which they belong; it makes them amenable to the sovereignty and to the laws of that State, and liable to requisition, should the occasion arise. Here is the surest test of whether a vessel is really a unit in the merchant marine of a country, and here therefore the best test by which to decide whether her character is neutral or enemy. It is, moreover, preferable to rely exclusively upon this test, and to discard all considerations connected with the personal status of the owner.

The text makes use of the words "the flag which the vessel is entitled to fly"; that expression means, of course, the flag under which, whether she is actually flying it or not, the vessel is entitled to sail according to the municipal laws which govern that right.

Article 57 safeguards the provisions respecting transfer to another flag, as to which it is sufficient to refer to Articles 55 and 56; a vessel may very well have the right to fly a neutral flag, as far as the law of the country to which she claims to belong is concerned, but may be treated as an enemy vessel by a belligerent, because the transfer in virtue of which she has hoisted the neutral flag is annulled by Article 55 or Article 56.

Lastly, the question was raised whether a vessel loses her neutral character when she is engaged in a trade which the enemy, prior to the war, reserved exclusively for his national vessels; but as has been observed above in connection with the subject of *Unneutral*

*Service*, no agreement was reached, and the question remains an open one, as the second paragraph of Article 57 is careful to explain.

#### ARTICLE 58.

*The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.*

Unlike ships, goods have no individuality of their own; their neutral or enemy character is made to depend upon the personal status of their owner. This opinion prevailed after an exhaustive study of different views, which inclined towards reliance on the country of origin of the goods, the status of the person at whose risk they are, of the consignee, or of the consignor. The test adopted in Article 58 appears, moreover, to be in conformity with the terms of the Declaration of Paris, as also with those of the convention of The Hague of the 18th October, 1907, relative to the establishment of an International Prize Court, where the expression *neutral or enemy property* is used (Articles 1, 3, 4, 8).

But it cannot be concealed that Article 58 solves no more than a part of the problem, and that the easier part; it is the neutral or enemy character of the owner which determines the character of the goods, but what is to determine the neutral or enemy character of the owner? On this point nothing is said, because it was found impossible to arrive at an agreement. Opinions were divided between *domicile* and *nationality*; no useful purpose will be served by reproducing here the arguments adduced to support the two positions. It was hoped that a compromise might have been reached on the basis of a clause to the following effect:—

“The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy nationality of their owner, or, if he is of no nationality or of double nationality (i.e., both neutral and enemy), by his domicile in a neutral or enemy country;

“Provided that goods belonging to a limited liability or joint stock company are considered as neutral or enemy according as the company has its headquarters in a neutral or enemy country.”

But there was no unanimity.

#### ARTICLE 59.

*In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods.*

Article 59 gives expression to the traditional rule according to which goods found on board an enemy vessel are, failing proof to the contrary, presumed to be enemy goods; this is merely a simple presumption, which leaves to the claimant the right, but at the same time the onus, of proving his title.

## ARTICLE 60.

*Enemy goods on board an enemy vessel retain their enemy character until they reach their destination, notwithstanding any transfer effected after the outbreak of hostilities while the goods are being forwarded.*

*If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognized legal right to recover the goods, they regain their neutral character.*

This provision contemplates the case where goods which were enemy property at the time of dispatch have been the subject of a sale or transfer during the course of the voyage. The ease with which enemy goods might secure protection from the exercise of the right of capture by means of a sale which is made subject to a reconveyance of the property on arrival has always led to a refusal to recognize such transfers. The enemy character subsists.

With regard to the moment from which goods must be considered to acquire and retain the enemy character of their owner, the text has been inspired by the same spirit of equity as governed the convention of The Hague, relative to the status of merchant vessels on the outbreak of hostilities, and by the same desire to protect mercantile operations undertaken in the security of a time of peace. It is only when the transfer takes place after the outbreak of hostilities that it is, so far as the loss of enemy character is concerned, inoperative until the arrival of the goods in question. The date which is taken into consideration here is that of the transfer, and not of the departure of the vessel. For, while the vessel which started before the war began, and remains, perhaps, unaware of the outbreak of hostilities, may enjoy on this account some degree of exemption, the goods may nevertheless possess enemy character; the enemy owner of these goods is in a position to be aware of the state of war, and it is for that very reason that he is likely to seek to evade its consequences.

It was, however, thought right to add what is, if not a limitation, at least a complement agreed to be necessary. In a great number of countries an unpaid vendor has, in the event of the bankruptcy of the buyer, a recognized legal right to recover the goods which have already become the property of the buyer but not yet reached him (*stoppage in transitu*). In such a case the sale is cancelled, and, in consequence of the recovery, the vendor obtains the goods again and is not deemed ever to have ceased to be the owner. This right gives to neutral commerce, in the case of a genuine bankruptcy, a protection too valuable to be sacrificed, and the second paragraph of Article 60 is intended to preserve it.

## CHAPTER VII.

## CONVOY.

The practice of convoy has, in the past, occasionally given rise to grave difficulties and even to conflict. It is, therefore, satisfactory to be able to record the agreement which has been reached upon the subject.



## ARTICLE 61.

*Neutral vessels under national convoy are exempt from search. The commander of a convoy gives, in writing, at the request of the commander of a belligerent warship, all information as to the character of the vessels and their cargoes, which could be obtained by search.*

The principle laid down is simple: a neutral vessel under the convoy of a warship of her own nationality is exempt from search. The reason for this rule is that the belligerent cruiser ought to be able to find in the assurances of the commander of the convoy as good a guarantee as would be afforded by the exercise of the right of search itself; in fact, she cannot call in question the assurances given by the official representative of a neutral Government, without displaying a lack of international courtesy. If neutral Governments allow belligerents to search vessels sailing under their flag, it is because they do not wish to be responsible for the supervision of such vessels, and therefore allow belligerents to protect themselves. The situation is altered when a neutral Government consents to undertake that responsibility; the right of search has no longer the same importance.

But it follows from the explanation of the rule respecting convoy that the neutral Government undertakes to afford the belligerents every guarantee that the vessels convoyed shall not take advantage of the protection accorded to them in order to do anything inconsistent with their neutrality, as, for example, to carry contraband, render unneutral service to the belligerent, or attempt to break blockade. There is need, therefore, that a genuine supervision should be exercised from the outset over the vessels which are to be convoyed; and that supervision must be continued throughout the voyage. The Government must act with vigilance so as to prevent all abuse of the right of convoy, and must give to the officer who is put in command of a convoy precise instructions to this effect.

A belligerent cruiser encounters a convoy; she communicates with the commander of the convoy, who must, at her request, give in writing all relevant information about the vessels under his protection. A written declaration is required, because it prevents all ambiguities and misunderstandings, and because it pledges to a greater extent the responsibility of the commander. The object of such a declaration is to make search unnecessary by the mere fact of giving to the cruiser the information which the search itself would have applied.

## ARTICLE 62.

*If the commander of the belligerent warship has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to him. In such a case it is for the commander of the convoy alone to investigate the matter. He must record the result of such investigation in a report, of which a copy is handed to the officer of the warship. If, in the opinion of the commander of the convoy, the facts shown in the report justify the capture of one or more vessels, the protection of the convoy must be withdrawn from such vessels.*

In the majority of cases the cruiser will be satisfied with the declaration which the commander of the convoy will have given to her, but she may have serious grounds for believing that the confidence of the commander has been abused, as for example, that a ship under convoy of which the papers are apparently in order and exhibit nothing suspicious is, in fact, carrying contraband cleverly concealed. The cruiser may, in such a case, communicate her suspicions to the commander of the convoy, and an investigation may be considered necessary. If so, it will be made by the commander of the convoy, since it is he alone who exercises authority over the vessels placed under his protection. It appeared, nevertheless, that much difficulty might often be avoided if the belligerent were allowed to be present at this investigation; otherwise he might still suspect, if not the good faith, at least the vigilance and perspicacity of the person who conducted the search. But it was not thought that an obligation to allow the officer of the cruiser to be present at the investigation should be imposed upon the commander of the convoy. He must act as he thinks best; if he agrees to the presence of an officer of the cruiser, it will be as an act of courtesy or good policy. He must in every case draw up a report of the investigation and give a copy to the officer of the cruiser.

Differences of opinion may occur between the two officers, particularly in relation to conditional contraband. The character of a port to which a cargo of corn is destined may be disputed. Is it an ordinary commercial port? or is it a port which serves as a base of supply for the armed forces? The situation which arises out of the mere fact of the convoy must in such a case be respected. The officer of the cruiser can do no more than make his protest, and the difficulty must be settled through the diplomatic channel.

The situation is altogether different if a vessel under convoy is found beyond the possibility of dispute to be carrying contraband. The vessel has no longer a right to protection, since the condition upon which such protection was granted has not been fulfilled. Besides deceiving her own Government, she has tried to deceive the belligerent. She must therefore be treated as a neutral merchant vessel encountered in the ordinary way and searched by a belligerent cruiser. She cannot complain at being exposed to such rigorous treatment, since there is in her case an aggravation of the offence committed by a carrier of contraband.

## CHAPTER VIII.

### RESISTANCE TO SEARCH.

The subject treated in this chapter was not mentioned in the programme submitted by the British Government in February 1908, but it is intimately connected with several of the questions in that programme, and thus attracted the attention of the Conference in the course of its deliberations; and it was thought necessary to frame a rule upon it, the drafting of which presented little difficulty.



A belligerent cruiser encounters a merchant vessel and summons her to stop in order that she may be searched. The vessel summoned does not stop, but tries to avoid the search by flight. The cruiser may employ force to stop her, and the merchant vessel, if she is damaged or sunk, has no right to complain, seeing that she has failed to comply with an obligation imposed upon her by the law of nations.

If the vessel is stopped, and it is shown that it was only in order to escape the inconvenience of being searched that recourse was had to flight, and that beyond this she had done nothing contrary to neutrality, she will not be punished for her attempt at flight. If, on the other hand, it is established that the vessel has contraband on board, or that she has in some way or other failed to comply with her duty as a neutral, she will suffer the consequences of her infraction of neutrality, but in this case as in the last, she will not undergo any punishment for her attempt at flight. Expression was given to the contrary view, namely, that a ship should be punished for an obvious attempt at flight as much as for forcible resistance. It was suggested that the prospect of having the escaping vessel condemned as good prize would influence the captain of the cruiser to do his best to spare her. But in the end this view did not prevail.

#### ARTICLE 63.

*Forcible resistance to the legitimate exercise of the right of stoppage, search, and capture, involves in all cases the condemnation of the vessel. The cargo is liable to the same treatment as the cargo of an enemy vessel. Goods belonging to the master or owner of the vessel are treated as enemy goods.*

The situation is different if forcible resistance is made to any legitimate action by the cruiser. The vessel commits an act of hostility and must, from that moment, be treated as an enemy vessel; she will therefore be subject to condemnation, although the search may not have shown that anything contrary to neutrality had been done. So far no difficulty seems to arise.

What must be decided with the regard to the cargo! The rule which appeared to be the best is that according to which the cargo will be treated like the cargo on board an enemy vessel. This assimilation involves the following consequences: a neutral vessel which has offered resistance becomes an enemy vessel and the goods on board are presumed to be enemy goods. Neutrals who are interested may claim their property, in accordance with Article 3 of the Declaration of Paris, but enemy goods will be condemned, since the rule that *the flag covers the goods* cannot be adduced, because the captured vessel on board which they are found is considered to be an enemy vessel. It will be noticed that the right to claim the goods is open to all neutrals, even to those whose nationality is that of the captured vessel; it would seem to be an excess of severity to make such persons suffer for the action of the master. There is, however, an exception as regards the goods which belong to the owner of the vessel; it seems natural that he should bear the consequences of the acts of his agent.



His property on board the vessel is therefore treated as enemy goods. *A fortiori* the same rule applies to the goods belonging to the master.

## CHAPTER IX.

### COMPENSATION.

This chapter is of very general application, inasmuch as the provisions which it contains are operative in all the numerous cases in which a cruiser may capture a vessel or goods.

#### ARTICLE 64.

*If the capture of a vessel or of goods is not upheld by the prize court, or if the prize is released without any judgment being given, the parties interested have the right to compensation, unless there were good reasons for capturing the vessel or goods.*

A cruiser has captured a neutral vessel, on the ground, for example, of carriage of contraband or breach of blockade. The prize court releases the vessel declaring the capture to be void. This decision alone is evidently not enough to indemnify the parties interested for the loss incurred in consequence of the capture, and this loss many have been considerable, since the vessel has been during a period, which may often be a very long one, prevented from engaging in her ordinary trade. May these parties claim to be compensated for this injury? Reason requires that the affirmative answer should be given, if the injury has been undeserved, that is to say, if the capture was not brought about by some fault of the parties. It may, indeed, happen that there was good reason for the capture, because the master of the vessel searched did not produce evidence which ought in the ordinary course to have been available, and which was only furnished at a later stage. In such a case it would be unjust that compensation should be awarded. On the other hand, if the cruiser has really been at fault, if the vessel has been captured when there were not good reasons for doing so, it is just that compensation should be granted.

It may also happen that a vessel which has been captured and taken into a port is released by the action of the executive without the intervention of a prize court. The existing practice, under such circumstances, is not uniform. In some countries the prize court has no jurisdiction unless there is a question of validating a capture, and cannot adjudicate on a claim for compensation based upon the ground that the capture would have been held unjustifiable; in other countries the prize court would have jurisdiction to entertain a claim of this kind. On this point, therefore, there is a difference which is not altogether equitable, and it is desirable to lay down a rule which will produce the same result in all countries. It is reasonable that every capture effected without good reasons should give to the parties interested a right to compensation, without its being necessary to draw any distinction between the cases in which the capture has or has not been followed by a decision of a prize court; and this argument

is all the more forcible when the capture may have so little justification that the vessel is released by the action of the executive. A provision in general terms has therefore been adopted, which is capable of covering all cases of capture.

It should be observed that in the text no reference is made to the question whether the national tribunals are competent to adjudicate on a claim for compensation. In cases where proceedings are taken against the property captured, no doubt upon this point can be entertained. In the course of the proceedings taken to determine the validity of a capture the parties interested have the opportunity of making good their right to compensation, and, if the national tribunal does not give them satisfaction, they can apply to the International Prize Court. If, on the other hand, the action of the belligerent has been confined to the capture, it is the law of the belligerent captor which decides whether there are tribunals competent to entertain a demand for compensation, and if so, what are those tribunals; the International Court has not, according to the convention of the Hague, any jurisdiction in such a case. From an international point of view, the diplomatic channel is the only one available for making good such a claim, whether the cause for complaint is founded on a decision actually delivered, or on the absence of any tribunal having jurisdiction to entertain it.

The question was raised as to whether it was necessary to draw a distinction between the direct and the indirect losses suffered by vessel or goods. The best course appeared to be to leave the prize court free to estimate the amount of compensation due, which will vary according to the circumstances and cannot be laid down in advance in rules going into minute details.

For the sake of simplicity, mention has only been made of the vessel, but what has been said applies of course to cargo captured and afterwards released. Innocent goods on board a vessel which has been captured suffer, in the same way, all the inconvenience which attends the capture of the vessel; but if there was good cause for capturing the vessel, whether the capture has subsequently been held to be valid or not, the owners of the cargo have no right to compensation.

It is perhaps useful to indicate certain cases in which the capture of a vessel would be justified whatever might be the ultimate decision of the prize court. Notably, there is the case where some or all of the ship's papers have been thrown overboard, suppressed, or intentionally destroyed on the initiative of the master or one of the crew or passengers. There is in such case an element which will justify any suspicion and afford an excuse for capturing the vessel, subject to the master's ability to account for his action before the prize court. Even if the court should accept the explanation given and should not find any reason for condemnation, the parties interested cannot hope to recover compensation.

An analogous case would be that in which there were found on board two sets of papers, or false or forged papers, if this irregularity were connected with circumstances calculated to contribute to the capture of the vessel.



It appeared sufficient that these cases in which there would be a reasonable excuse for the capture should be mentioned in the present Report, and should not be made the object of express provisions, since, otherwise, the mention of these two particular cases might have led to the supposition that they were the only cases in which a capture could be justified.

Such then are the principles of international law to which the Naval Conference has sought to give recognition as being fitted to regulate in practice the intercourse of nations on certain important questions in regard to which precise rules have hitherto been wanting. The Conference has thus taken up the work of codification begun by the Declaration of Paris of 1856. It has worked in the same spirit as the second Peace Conference, and, taking advantage of the labours accomplished at The Hague, it has been able to solve some of the problems which, owing to the lack of time, that Conference was compelled to leave unsolved. Let us hope that it may be possible to say that those who have drawn up the Declaration of London of 1909 are not altogether unworthy of their predecessors of 1856 and 1907.

## FINAL PROVISIONS.

These provisions have reference to various questions relating to the effect of the Declaration, its ratification, its coming into force, its denunciation, and the accession of unrepresented Powers.

### ARTICLE 65.

*The provisions of the present Declaration must be treated as a whole' and cannot be separated.*

This Article is of great importance, and is in conformity with that which was adopted in the Declaration of Paris.

The rules contained in the present Declaration relate to matters of great importance and great diversity. They have not all been accepted with the same degree of eagerness by all the Delegations. Concessions have been made on one point in consideration of concessions obtained on another. The whole, all things considered, has been recognized as satisfactory, and a legitimate expectation would be falsified if one Power might make reservations on a rule to which another Power attached particular importance.

### ARTICLE 66.

*The Signatory Powers undertake to insure the mutual observance of the rules contained in the present Declaration in any war in which all the belligerents are parties thereto. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take such measures as may be required in order to insure that it will be applied by their courts, and more particularly by their prize courts.*

According to the engagement resulting from this Article, the Declaration applies to the relations between the Signatory Powers when the belligerents are likewise parties to the Declaration.



It will be the duty of each Power to take the measures necessary to ensure the observance of the Declaration. These measures may vary in different countries, and may or may not involve the intervention of the legislature. The matter is one of national legal requirements.

It should be observed that neutral Powers also may find themselves in a position of having to give instructions to their authorities, notably to the commanders of convoys as previously explained.

#### ARTICLE 67.

*The present Declaration shall be ratified as soon as possible.*

*The ratifications shall be deposited in London.*

*The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers taking part therein, and by His Britannic Majesty's Principal Secretary of State for Foreign Affairs.*

*The subsequent deposits of ratifications shall be made by means of a written notification addressed to the British Government, and accompanied by the instrument of ratification*

*A duly certified copy of the Protocol relating to the first deposit of ratifications, and of the notifications mentioned in the preceding paragraph as well as of the instruments of ratification which accompany them, shall be immediately sent by the British Government, through the diplomatic channel, to the Signatory Powers. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.*

This provision, of a purely formal character, needs no explanation. The wording adopted at The Hague by the second Peace Conference has been borrowed.

#### ARTICLE 68.

*The present Declaration shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently, sixty days after the notification of their ratification shall have been received by the British Government.*

#### ARTICLE 69.

*In the event of one of the Signatory Powers wishing to denounce the present Declaration, such denunciation can only be made to take effect at the end of a period of twelve years, beginning sixty days after the first deposit of ratifications, and, after that time, at the end of successive periods of six years, of which the first will begin at the end of the period of twelve years.*

*Such denunciation must be notified in writing, at least one year in advance, to the British Government, which shall inform all the other Powers.*

*It will only operate in respect of the denouncing Power.*

It follows implicitly from Article 69 that the Declaration is of indefinite duration. The periods after which denunciation is allowed

have been fixed on the analogy of the convention for the establishment of an International Prize Court.

#### ARTICLE 70.

*The Powers represented at the London Naval Conference attach particular importance to the general recognition of the rules which they have adopted, and therefore express the hope that the Powers which were not represented there will accede to the present Declaration. They request the British Government to invite them to do so.*

*A Power which desires to accede shall notify its intention in writing to the British Government, and transmit simultaneously the act of accession, which will be deposited in the archives of the said Government.*

*The said Government shall forthwith transmit to all the other Powers a duly certified copy of the notification, together with the act of accession, and communicate the date on which such notification was received. The accession takes effect sixty days after such date.*

*In respect of all matters concerning this Declaration, acceding Powers shall be on the same footing as the Signatory Powers.*

The Declaration of Paris also contained an invitation to the Powers which were not represented to accede to the Declaration. The official invitation in this case, instead of being made individually by each of the Powers represented at the Conference, may more conveniently be made by Great Britain acting in the name of all the Powers.

The procedure for accession is very simple. The fact that the acceding Powers are placed on the same footing in every respect as the signatory Powers of course involves compliance by the former with Article 65. A Power can accede only to the whole, but not merely to a part, of the Declaration.

#### ARTICLE 71.

*The present Declaration, which bears the date of the 26th February, 1909, may be signed in London up till the 30th June, 1909, by the Plenipotentiaries of the Powers represented at the Naval Conference.*

As at The Hague, account has been taken of the situation of certain Powers the Representatives of which may not be in a position to sign the Declaration at once, but which desire nevertheless to be considered as signatory, and not as acceding Powers.

It is scarcely necessary to say that the *Plenipotentiaries of the Powers* referred to in Article 71 are not necessarily those who were, as such, delegates at the Naval Conference.

*In faith whereof the Plenipotentiaries have signed the present Declaration and have thereto affixed their seals.*

*Done at London, the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall remain deposited in the archives of the British Government, and of which duly certified copies shall be sent through the diplomatic channel to the Powers represented at the Naval Conference.*

## APPENDIX E.

### 5 GEORGE V.

#### CHAPTER 2.

An Act to confer certain powers upon the Governor in Council and to amend the Immigration Act.

[Assented to 22nd August, 1914.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The War Measures Act*, Short title. 1914.

2. All acts and things done or omitted to be done prior to the passing of this Act and on or after the first day of August, A.D. 1914, by or under the authority of or ratified by,—

Ratification  
of acts  
already done.

- (a) His Majesty the King in Council;
- (b) any Minister or officer of His Majesty's Imperial Government;
- (c) the Governor in Council;
- (d) any Minister or officer of the Government of Canada;
- (e) any other authority or person;

which, had they been done or omitted after the passing of this Act, would have been authorized by this Act or by orders or regulations hereunder, shall be deemed to have been done or omitted under the authority of this Act, and are hereby declared to have been lawfully done or omitted.

3. The provisions of sections 6, 10, 11 and 13 of this Act shall only be in force during war, invasion, or insurrection, real or apprehended.

Limiting  
sections  
6, 10, 11 and  
13.

4. The issue of a proclamation by His Majesty, or under the authority of the Governor in Council shall be

Evidence of  
war, etc.



conclusive evidence that war, invasion, or insurrection, real or apprehended, exists and has existed for any period of time therein stated, and of its continuance, until by the issue of a further proclamation it is declared that the war, invasion or insurrection no longer exists.

War existing  
since Aug. 4.

**5.** It is hereby declared that war has continuously existed since the fourth day of August, 1914, and shall be deemed to exist until the Governor in Council by proclamation published in *The Canada Gazette* declares that it no longer exists; but any and all proceedings instituted or commenced by or under the authority of the Governor in Council before the issue of such last mentioned proclamation, the continuance of which he may authorize, may be carried on and concluded as if the said proclamation had not issued.

Special  
powers of  
Governor in  
Council.

**6.** The Governor in Council shall have power to do and authorize such acts and things, and to make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada; and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor in Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say:—

- (a) censorship and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;
- (b) arrest, detention, exclusion and deportation;
- (c) control of the harbours, ports and territorial waters of Canada and the movements of vessels;
- (d) transportation by land, air, or water and the control of the transport of persons and things;
- (e) trading, exportation, importation, production and manufacture;
- (f) appropriation, control, forfeiture and disposition of property and of the use thereof.

2. All orders and regulations made under this section shall have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Governor in Council may prescribe, and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, ac-

cruing or incurred thereunder be affected by such variation, extension or revocation.

7. Whenever any property or the use thereof has been appropriated by His Majesty under the provisions of this Act, or any order in council, order or regulation made thereunder, and compensation is to be made therefor and has not been agreed upon, the claim shall be referred by the Minister of Justice to the Exchequer Court, or to a Superior or County Court of the province within which the claim arises, or to a judge of any such court. Fixing compensation.

8. Any ship or vessel used or moved, or any goods, wares or merchandise dealt with, contrary to any order or regulation made under this Act, may be seized and detained and shall be liable to forfeiture, at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada or in any Superior Court. Forfeitures.

9. Every court mentioned in the two preceding sections shall have power to make rules governing the procedure upon any reference made to, or proceedings taken before, such court or a judge thereof under the said sections. Procedure.

10. The Governor in Council may prescribe the penalties that may be imposed for violations of orders and regulations made under this Act, but no such penalty shall exceed a fine of five thousand dollars or imprisonment for any term not exceeding five years, or both fine and imprisonment, and may also prescribe whether such penalty be imposed upon summary conviction or upon indictment. Imposing penalties.

11. No person who is held for deportation under this Act or under any regulation made thereunder, or is under arrest or detention as an alien enemy, or upon suspicion that he is an alien enemy, or to prevent his departure from Canada, shall be released upon bail or otherwise discharged or tried, without the consent of the Minister of Justice. Release of arrested alien forbidden.

12. Section 3 of the *Immigration Act*, chapter 27 of the statutes of 1910, is amended by adding thereto the following subsection:— Deportation, etc., of residents leaving Canada to assist enemy.

“2. No resident of Canada, whether he is a Canadian citizen or not, and whether he has a Canadian domicile or not, who leaves Canada to perform any military or other service for any country then at war with His Majesty, or for the purpose of aiding or abetting in any way His Majesty's enemies, shall be permitted to land in Canada,

or remain therein, except with the permission of the Minister. If any such person is also prosecuted for any offence of which he may have been guilty, he shall be liable to undergo any punishment imposed upon him under such prosecution before he is deported."

Increasing  
Royal  
Northwest  
Mounted  
Police.

**13.** Notwithstanding the provisions of section 8 of the *Royal Northwest Mounted Police Act*, Revised Statutes, 1906, chapter 91, the Governor in Council may from time to time authorize the appointment of such number of constables, supernumerary constables, scouts and boys, in addition to the numbers limited by the said section, as he thinks necessary.

## 5 GEORGE V.

### CHAPTER 3.

An Act to conserve the Commercial and Financial interests of Canada.

[Assented to 22nd August, 1914.]

Preamble.

WHEREAS for the purposes set forth in an order in council of the third day of August, 1914, advances to the chartered banks in the form of an issue of Dominion notes, were authorized to be made against deposits by the banks with the Minister of Finance of such securities as might be approved by the Minister, such advances to be repayable not later than the first day of May, 1915, with interest at a rate, to be approved by the Minister, not less than five per cent per annum; and whereas under the authority of an order in council of the same date, the chartered banks were authorized to make payment in bank notes instead of gold or Dominion notes until further official announcement in that behalf, and were also authorized to issue from the date of the said order in council, and until further announcement, excess circulation to amounts not exceeding fifteen per cent of the combined unimpaired capital and rest or reserve fund of the respective banks, as stated in their respective statutory monthly returns to the Minister for the month immediately preceding that in which the additional amount is issued; and whereas under authority of an order in council dated the tenth day of August, A. D., 1914, the redeeming in specie of Dominion notes was suspended; and whereas it is expedient that the said orders in council be confirmed: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Finance Act, 1914*.



2. In this Act, unless the context otherwise requires, Definitions.  
 (a) "Minister" means the Minister of Finance; "Minister"

(b) "excess circulation" means the amount of the notes of "Excess  
 a bank in circulation in excess of the amount of the notes circulation".  
 of that bank which may be issued pursuant to subsections  
 1 and 3 of section 61 of *The Bank Act*.

3. The issue of Dominion notes, and all things done Confirmation  
 under the provisions of the orders in council cited in the of orders in  
 preamble, are hereby confirmed and shall be deemed to council cited  
 have been duly authorized, and the said orders in council in preamble.  
 shall continue in force until the fifteenth day of September,  
 1914: Provided always that the Governor in Council may  
 at any time by a proclamation published in *The Canada*  
*Gazette* revoke the said orders in council, or any of them,  
 or any of the provisions in the said orders contained,  
 but such revocation shall not affect the previous operation  
 of any such order or anything duly done thereunder,  
 or affect any right, privilege, obligation or liability acquired,  
 accrued, accruing or incurred thereunder.

4. In case of war, invasion, riot or insurrection, real Power  
 or apprehended, and in case of any real or apprehended to issue  
 financial crisis, the Governor in Council may, by proclamation a proclamation  
 published in *The Canada Gazette*,— in emergency.

(a) authorize the making of advances to the chartered Advances  
 banks and to the savings banks to which *The Quebec Savings by issue*  
*Banks Act, 1913*, applies, by the issue of Dominion notes  
 the pledge of securities, deposited with the Minister, of such Dominion  
 kind and amount as may be approved by the Treasury Board; notes  
 such advances to be repayable at such times as the Board authorized.  
 may determine with interest at a rate likewise determined  
 by the Board of not less than five per cent per annum;

(b) authorize the chartered banks to make payments Payment in  
 in the bank notes issued by such banks instead of in notes by  
 gold or Dominion notes, but the total amount of the notes Banks.  
 of any chartered bank in circulation at any time shall not  
 exceed the amount of its notes issuable under the provisions  
 of *The Bank Act* and of clause (c) of this subsection;

(c) authorize the several chartered banks to issue excess Issue  
 circulation, from and including the first day of March of excess  
 in any year, to and including the last day of August circulation  
 next ensuing, or during any part of such period, to by Banks.  
 amounts not exceeding fifteen per cent of the combined un-  
 impaired capital and rest or reserve fund of the respective  
 banks, as stated in their respective statutory monthly  
 returns to the Minister for the month immediately pre-  
 ceding that in which the additional amount is issued;

- Suspend redemption. (d) suspend the redemption in gold of Dominion notes; and
- Moratorium. (e) authorize, in so far as the same may be within the legislative authority of the Parliament of Canada, the postponement of the payment of all or any debts, liabilities and obligations however arising, to such extent, for such time and upon and subject to such terms, conditions, limitations and provisions as may be specified in the proclamation.
- Security for redemption. 2. The securities deposited with the Minister under this section shall, as respects the Dominion notes issued hereunder, be deemed to be the security required to be held by the Minister under section 5 of *The Dominion Notes Act, 1914*.
- Tender. 3. A tender by a bank of its notes in payment of any of its liabilities, when a proclamation made under clause (b) of the first subsection of this section is in force, shall be a sufficient and valid tender, and the payment at such time by a bank of any of its liabilities with its notes shall be as sufficient and valid a payment as if the same had been made in specie or Dominion notes: Provided in either case the total amount of the notes of the bank in circulation at that time, including in case of tender the amount tendered, does not exceed the amount of notes of the bank issuable under the provisions of *The Bank Act* and of clause (c) of said subsection.
- Excess circulation. 4. Subsection 16 of section 61 of *The Bank Act* shall apply to the excess circulation issued under the authority of this section, and interest shall accordingly be payable thereon as if such excess circulation had been excess circulation issued under the authority of said section 61.
- Duration of proclamation. 5. No proclamation issued under the provisions of this section shall continue in force for more than thirty days after the beginning of the first session of Parliament held after the issue thereof, unless it is approved by resolution passed by both Houses of Parliament.
- Varying, extending and revoking proclamations. 6. Any proclamation made under the provisions of this section may be varied, extended or revoked by any subsequent proclamation, and separate proclamations may be made dealing with separate subjects; but if any proclamation is varied, extended or revoked neither the previous operation thereof nor anything duly done thereunder shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by such variation, extension or revocation.
- Regulations. 5. The Governor in Council may make regulations, not inconsistent with this Act, with regard to advances to the chartered banks, and to the said savings banks, the terms and

conditions affecting the deposit of securities, and all other matters necessary to give effect to the provisions of this Act.

6. The part of section 135 of *The Bank Act* immediately preceding clause (a) is repealed and the following is substituted therefor:— Amendment Bank Act.

“135. If the total amount of the notes of the bank in circulation at any time exceeds the amount authorized by this Act and by *The Finance Act, 1914*, the bank shall,—” 1913, c. 9.

## 5 GEORGE V.

### CHAPTER 4.

### An Act respecting Dominion Notes.

[Assented to 22nd August, 1914.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R.S., c. 27; 1908, c. 23.

#### SHORT TITLE.

1. This Act may be cited as *The Dominion Notes Act*, Short title. 1914.

#### INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) “Dominion notes” means notes of the Dominion of Canada issued and outstanding under the authority of this Act; “Dominion notes.”

(d) “gold” means,—

(i) gold coins which are a legal tender in Canada, and, “Gold.”

(ii) gold bullion in bars, each bar bearing either the stamp of the Royal Mint of the United Kingdom or of a branch thereof in Canada or of one of the branches thereof in Australia or of one of the coinage mints of the United States or of the Assay Office of the United States at New York certifying its weight and fineness, at a valuation of one dollar in the currency of Canada for every 23.22 grains of fine gold content;

(c) “Minister” means the Minister of Finance.

“Minister.”

#### ISSUE AND REDEMPTION.

3. Dominion notes may be issued and outstanding at any time to any amount, and such notes shall be a legal tender in every part of Canada except at the offices at which they are redeemable. Issue of Dominion notes.



- Denomina-  
tion and  
form.      4. Dominion notes shall be of such denominational values as the Governor in Council determines, and shall be in such form, and signed by such persons, two in number, as the Minister directs.
- Signatures.      2. By direction of the Minister, there may be substituted for signatures in the proper handwriting of one or both of the persons authorized to sign under the provisions of the last preceding subsection, facsimiles thereof printed from engraving: Provided that if both of the signatures are printed, then a distinguishing device and serial number shall be printed from engraving on each note, after the notes have been delivered by the printer and engraver to the Minister, and while the notes are in the custody and control of the officers of the Department of Finance.
- Redemption  
in gold.      3. Dominion notes shall be redeemable in gold on presentation at branch offices established, or at banks with which arrangements are made for the redemption thereof as hereinafter provided.

## SECURITY.

- Amount held  
as security  
for re-  
demption.      5. The Minister of Finance shall always hold as security for the redemption of Dominion notes up to and including fifty million dollars, issued and outstanding at any one time, an amount equal to not less than twenty-five per centum of the amount of such notes in gold.
- Notes in  
excess of  
\$50,000,000.      2. As security for the redemption of Dominion notes issued in excess of fifty million dollars, the Minister shall hold an amount in gold equal to such excess.
- Loan may be  
raised if  
amount of  
security is in-  
sufficient.      6. In case the amount held in accordance with the provisions of this Act as security for the redemption of Dominion notes is not sufficient to pay the Dominion notes presented for redemption, or in case the amount so held is reduced below the amount required by this Act to be held, the Governor in Council may raise, by way of loan, temporary or otherwise, upon such form of security and upon such terms and conditions as the Governor in Council may approve, such sums of money as are necessary to pay such notes or to provide the amount required to be held as security for the redemption of Dominion notes issued and outstanding.

## PROCEEDS AND EXPENSES.

- Proceeds of  
notes;  
expenses  
incurred.      7. The proceeds of Dominion notes so issued shall form part of the Consolidated Revenue Fund of Canada, and all expenses incurred or required to be paid in connection with

the engraving, printing or preparation of such notes, or the signing, issue or redemption thereof, shall be paid out of the said fund.

#### MONTHLY STATEMENT.

8. The Minister of Finance shall publish monthly in *The Canada Gazette* a statement of the amount of Dominion notes outstanding on the last day of the preceding month, and of the gold then held by him for securing the redemption thereof.

Monthly statement by Minister in *Canada Gazette*.

#### AGENCIES FOR REDEMPTION.

9. The Governor in Council may establish branch offices of the Department of Finance at Toronto, Montreal, Halifax, St. John, Winnipeg, Victoria, Charlottetown, Regina and Calgary, for the redemption of Dominion notes, or may make arrangements with a chartered bank at any of the said places for the redemption thereof.

Officers of agencies for redemption.

2. The Governor in Council shall appoint a suitable person to be in charge of the respective offices so established, and such officer shall be called an assistant receiver general, and shall be an agent for the issue and redemption of Dominion notes.

Assistant receiver general.

#### NOTES OF LATE PROVINCE OF CANADA.

10. Provincial notes under the Act of the late province of Canada, passed in the session held in the twenty-ninth and thirtieth years of Her late Majesty Queen Victoria's reign, chapter ten, intituled *An Act to provide for the issue of Provincial Notes*, shall be held to be notes of the Dominion of Canada, and shall be redeemable in gold on presentation at Toronto, Montreal, Halifax, or St. John, according as the same are respectively made payable, and shall be legal tender except at the offices at which they are respectively made payable.

Redemption of notes of old province of Canada.

11. Chapter 27 of the Revised Statutes, *An Act respecting Dominion Notes*, is repealed.

Repeal.

## APPENDIX F.

*Reprinted from The London Economist, 21st November, 1914.*

**Patents and Alien Enemies.**

The following letter, received from the Comptroller-General of the Patent Office, in reply to a request for information as to the position of patents owned by alien enemies in the belligerent countries, will be of interest to patentees:—

THE PATENT OFFICE, November 11th, 1914.

SIR,—I have to acknowledge receipt of your letter of the 9th instant, and in reply to inform you that I am not aware that any regulations have been issued by Germany, Austria-Hungary, France, or Belgium dealing with the avoidance or suspension of patents, trade-marks, or designs similar to the recent regulations issued in this country. A notice appeared in the Press recently that Russia had cancelled all patent rights hitherto held by Germans in Russia, but I have no official confirmation of this report.

I am, Sir, your obedient servant,

W. TEMPLE FRANKS, *Comptroller-General.*

Inquiries made at the Chartered Institute of Patent Agents, and of several patent agents, have disclosed no unofficial information on this subject, so that British owners of patents in these belligerent countries may for the present rest assured that their rights in these countries are not likely to be interfered with. Certain emergency measures have been introduced to deal with difficulties created by the state of war, and are as follows:—Belgium: Payment of renewal and other fees by owners of patents is suspended indefinitely without loss of rights. France: The period in which annual fees are payable against loss of rights is extended until the close of hostilities. Likewise the period for paying fees upon application for a patent. There are also certain relaxations in regard to compulsory working of patents. Russia: No official Regulations issued yet. Austria-Hungary: The time usually allowed under the International Convention for filing documents on applications for patents already covered in foreign countries is extended if applied for. Germany: The Patent Office has power to extend the time for payment of renewal and other fees up to nine months if the applicant can show that he cannot pay them on account of the war. But this facility will only be granted to aliens (enemies and neutrals) if their own countries grant equal facilities to German subjects. As it would be difficult for a British owner of a German patent who was not in Germany to show the German Patent Office his inability to pay the fees, such patents may



lapse, unless such owner's patent agents in Germany can make the application on his behalf. Any payment of renewal fees by a British subject in such a case might be a breach of the law forbidding trading with the enemy. Since the above was written the Board of Trade has made a rule allowing all persons resident, carrying on business, or being in the United Kingdom to pay fees on patents, designs, or trade marks taken out in an enemy country, and to pay on behalf of enemy subjects similar fees due in this country.

## APPENDIX. G.

*Reprinted from the London Economist, 12th December, 1914.*

We have received the following war bulletin from the British Chamber of Commerce, Paris:—

### MORATORIUM.

By Decree dated November 24th, paragraphs 2 and 3 of Article 2, and paragraph 2 of Article 3 of Decree of October 27th concerning the moratorium are suspended until December 31st.

This means that it is not yet possible to enforce payment of debts in the manner indicated in W.B. 3. The suspension is stated to be due to representations made by a number of the smaller traders. This regrettable situation is likely to endure so long as re-discounting facilities are not fully re-established by the Bank of France.

### CONTRABAND—FRANCE.

The following revised list of absolute and conditional contraband is published in *Journal Officiel*, November 7th:—

#### I.—Absolute Contraband:

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Sulphuric acid.
5. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
6. Range-finders and their distinctive component parts.
7. Clothing and equipment of a distinctively military character.
8. Saddle, draught, and pack animals suitable for use in war.
9. All kinds of harness of a distinctively military character.
10. Articles of camp equipment and their distinctive component parts.
11. Armour plates.
12. Haematite iron ore and haematite pig-iron.
13. Iron pyrites.
14. Nickel ore and nickel.
15. Ferrochrome and chrome ore.
16. Copper, unwrought.
17. Lead, pig, sheet, or pipe.
18. Aluminium.
19. Ferro-silicia.

20. Barbed wire and implements for fixing and cutting the same.

21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.

22. Aeroplanes, airships, balloons, and aircraft of all kinds and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and aircraft.

23. Motor vehicles of all kinds and their component parts.

24. Motor tyres; rubber.

25. Mineral oils and motor spirit, except lubricating oils.

26. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

## II.—Conditional Contraband:

1. Foodstuffs.

2. Forage and feeding stuffs for animals.

3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.

4. Gold and silver in coin or bullion; paper money.

5. Vehicles of all kinds other than motor vehicles available for use in war, and their component parts.

6. Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.

7. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.

8. Fuel, other than mineral oils. Lubricants.

9. Powder and explosives not specially prepared for use in war.

10. Sulphur.

11. Glycerine.

12. Horseshoes and shoeing materials.

13. Harness and saddlery.

14. Hides of all kinds, dry or wet; pigskins, raw or dressed; leather, undressed or dressed, suitable for saddlery, harness, or military boots.

15. Field-glasses, telescopes, chronometers, and all kinds of nautical instruments.

III. Neutral vessels, the destination of which is a neutral country, after entering an enemy port are liable to capture and confiscation, if met before reaching a neutral port.

IV. Destination of vessel is presumed if goods are consigned to or for an agent of the enemy State.

V. Conditional contraband is subject to capture when found on a vessel destined for a neutral port, if the goods are consigned "to order," if the documents do not indicate consignee, or if they indicate a consignee in an enemy country or country occupied by the enemy.

VI. Further measures will be taken when it has been shown that the enemy State is provisioning itself via a neutral State.



## FRENCH PROHIBITION OF EXPORT.

The following have now been added to the prohibited list of export: Wool in the mass, dyed or not; carded or combed wool, dyed or not; wool waste; woollen tissues for clothing, drapery, &c.; blankets woollen hosiery (other than gloves, tissues in the piece, and articles embroidered or ornamented with lace, trimmings, &c.); turpentine; colophany; pine resin; pitch; hydrate of alumina; chrome, iron and copper ore; natural silk waste; floss silk in the mass, or combed; yarns of floss silk and waste floss silk, not dyed; tissues of floss silk and waste floss silk, pure, not dyed, printed nor sized (24·11).

## SPECIAL PERMITS.

Demands for licenses to export prohibited goods should, in future, be addressed to the Directeur General des Douanes, Ministère des Finances, giving destinee and destination; name of exporter and that of shipping agent or forwarding agent at the frontier; nature of goods; weight and quantity; station of despatch; and port of shipment or frontier station.

Contraband goods are not necessarily prohibited for export.

License is not required to export prohibited goods to Morocco, Tunis and other French colonies, except in the case of fire-arms, gunstocks, rubber and balata, raw or remelted in the mass; capsules of fulminating powder; scrap-iron, cast-iron, and steel; dynamite and similar explosives; military accoutrements, tents, equipment, and harness; copper, tin and zinc filings and debris, and their alloys; lead; powders and assimilated explosives; gun-cotton; nitro-cotton; nitro-glycerine projectiles and other ammunition, saltpetre, and sulphur. Acquittance, however, is required on arrival at destination for other prohibited products.

The general embargo extends to Algeria, and special permit to ship to that country must be demanded.

## BRITISH PROHIBITION OF EXPORT—WOOLLENS.

The Board of Trade announces that licenses to export raw wool, shoddy, woollen and worsted yarns from Great Britain will only be considered when destined for British territory or Allied countries, except in cases where it is shown that the wool is unsuitable for Army purposes.

Exportation of khaki woollen cloth is absolutely prohibited except to the Dominions.

Women's dress stuffs and fancy cloths may go freely.

Other woollen and worsted cloth will not be allowed to be exported if there is any possibility of using it for uniform purposes. This will be decided on expert advice.

As regards gloves, socks, jerseys and underwear, if these are at all likely to be useful for Army purposes applications for licenses will be only considered for export to British territory and Allied countries, and then only if supported by the Colonial or Foreign Office, or if there is good ground for the belief that the goods are for British troops.











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